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1 SOUTHCENTRAL FEDERAL SUBSISTENCE
2 REGIONAL ADVISORY COUNCIL
3 PUBLIC MEETING

4
5 VOLUME I
6 September 20, 2000
7

8 Mentasta Lake Village School
9 Mentasta Lake, Alaska
10

11 MEMBERS PRESENT:

12
13 Ralph Lohse, Chair
14 Fred Elvsaas, Vice Chair
15 Fred John, Jr.
16 Gilbert Dementi
17
18
19 Ann Wilkinson, Coordinator
20
21 Joseph P. Kolasinski, Recorder

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P R O C E E D I N G S

(On record)

CHAIRMAN LOHSE: I'd like to call this September 20th to the 22nd fall meeting of the Southcentral Alaska Subsistence Regional Advisory Council to order. And the first thing we'd like to do is Fred John would like to make a couple of announcements. Am I not talking into the mike? Can everybody hear? Can anybody hear?

(Laughter)

MR. F. JOHN: I'd like to welcome everybody to Mentasta Lake. Everybody from Kenai and Copper and all the way up, Anchorage and everyplace around here, just welcome here. I'd like to just thank you for coming and I want to say there's -- point out the two restrooms area, there's a men's restroom here, the women's restroom on that side. And on the outside we got men and women's restroom, too, you can find it on the door.

And another one is we got Bingo tonight, want to get some Federal money.

(Laughter)

The Bingo is going to be over at the Community Hall, I think it starts 7:30. So if you want to come. We're going to have lunch here today, I don't know how much they're going to charge, probably between \$5-6, it'll be on there. But there's going to be lunch here and you can go here or Mentasta Lodge. Mentasta Lodge is only 7-8 miles away, it wouldn't take that long back and forth.

The PTs are selling snacks out there, they're trying to raise money for their -- you know, for kids program, and Prevention Technician, is what they call it, PTs.

And, I don't know, any question before I sign off?

(No audible responses)

MR. F. JOHN: Okay, go.

CHAIRMAN LOHSE: Okay. With that we'll have a roll call. Ann.

MS. WILKINSON: Thank you, Mr. Chairman.

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1 Gilbert Dementi.

2

3 MR. DEMENTI: Here.

4

5 MS. WILKINSON: Ken Vlasoff, absent. Fred
6 Elvsaas.

7

8 MR. ELVSAAS: Here.

9

10 MS. WILKINSON: Roy Ewan, absent. Clare
11 Swan is, I believe, in Washington, D.C. Fred John, Junior.

12

13 MR. F. JOHN: Here.

14

15 MS. WILKINSON: Ralph Lohse.

16

17 CHAIRMAN LOHSE: Here.

18

19 MS. WILKINSON: Mr. Chairman, we do have
20 quorum.

21

22 CHAIRMAN LOHSE: Okay. With that we'd like
23 to.....

24

25 MR. F. JOHN: There's coffee out there.

26

27 CHAIRMAN LOHSE: There's also coffee out
28 there, Fred forgot to tell you. I'd like to welcome you
29 all. We have a coordinator, some of you have known her
30 from other places. Ann Wilkinson has taken the place of
31 Helga. We hope to get as long and good service from her as
32 we got from Helga, and I'm sure we will.

33

34 You probably know most of us. I'll just let each
35 one on the Council introduce themselves and where they're
36 from. Gilbert, you want to start?

37

38 MR. DEMENTI: Gilbert Dementi from
39 Cantwell.

40

41 CHAIRMAN LOHSE: I'm Ralph Lohse, I'm from
42 Cordova and McCarthy.

43

44 MR. F. JOHN: Fred John, Junior, Mentasta
45 Lake.

46

47 MR. ELVSAAS: I'm Fred Elvsaas, I'm from
48 Seldovia. And if you all remember at our last meeting, if
49 you were at the Kenai meeting, I was in a wheelchair and

50 people had to pack me up and down the steps to the meeting

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1 and now I walking. I went Stateside and had an operation
2 on my feet and I still have both of them and I'm getting
3 around. My shoes are a little clumsy, but they're
4 corrective shoes and I'm just happy to be here, thank you.

5
6 CHAIRMAN LOHSE: We're happy to have you
7 here, too.

8
9 With that, I'd like to have the Federal staff stand
10 up and introduce themselves, so one at a time, then we'll
11 let the State staff introduce themselves after Federal.
12 Tom, would you start?

13
14 MR. BOYD: Yeah. I'm Tom Boyd, I'm with
15 the Office of Subsistence Management, regional office in
16 Anchorage.

17
18 MS. HILDEBRAND: I'm Ida Hildebrand, BIA
19 Staff Committee member for the Federal Subsistence Board.

20
21 MS. MCBURNEY: Mary Mcburney, Katmai and
22 Aniakchak, Lake Clark (inaudible - away from microphone)

23
24 MR. LaPLANT: I'm Dan LaPlant, I'm a
25 biologist for the Southcentral Region, Office of
26 Subsistence Management.

27
28 MR. SUMMERS: Clarence Summers, National
29 Park Service, Anchorage office.

30
31 MR. WATERS: Elijah Waters, biologist for
32 the BLM in Glennallen.

33
34 MR. VEACH: Eric Veach, I'm fisheries
35 biologist for Wrangell-St. Elias National Park and Copper
36 Center.

37
38 MR. MITCHELL: Carl Mitchell, I'm the
39 wildlife biologist for Wrangell-St. Elias National Park and
40 Copper Center.

41
42 MR. SHERROD: George Sherrod, I'm the
43 anthropologist for the Interior, Office of Subsistence
44 Management, Fairbanks.

45
46 MS. PETRIVELLI: Pat Petrivelli,
47 anthropologist for Southcentral team in the Office of
48 Subsistence Management.

49

MR. BAKER: Cal Baker, District Ranger

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1 Forest Service, Cordova.

2

3 MR. BERG: Jerry Berg, fisheries biologist
4 for Office of Subsistence Management.

5

6 MR. PROBASCO: Pete Probasco, just recently
7 hired in Office of Subsistence Management.

8

9 MR. JENNINGS: Good morning, my name is Tim
10 Jennings, I'm a division chief in the Office of Subsistence
11 Management, I work for Tom Boyd, I supervise the regional
12 staff team members that support the Council.

13

14 MS. SHARP: I'm Devi Sharp, I'm the team
15 leader for National Parks Resources for Wrangell-St. Elias
16 National Park.

17

18 MS. COHAN: Janet Cohan, I'm an
19 anthropologist with National Park Service, Anchorage.

20

21 MR. NELSON: Dave Nelson, I'm a fisheries
22 biologist for the National Park Service in Anchorage.

23

24 CHAIRMAN LOHSE: I hope all you Federal
25 employees heard Fred John's announcement, there's Bingo
26 tonight, all Federal employees are required to go.

27

28 (Laughter)

29

30 MR. ELVSAAS: You have nothing else to do.

31

32 (Laughter)

33

34 CHAIRMAN LOHSE: Okay. At this point in
35 time, do we have any State? I see one for sure. Two.

36

37 MR. HAYNES: Terry Haynes, Department of
38 Fish and Game, I'm on the State/Federal liaison team.

39

40 MR. TAUBE: Tom Taube, Department of Fish
41 and Game, fishery biologist from the Glennallen office.

42

43 MS. SIMPSON: Ellen Simpson, Department of
44 Fish and Game, I'm a biologist out of Anchorage.

45

46 MR. SIMEONE: Bill Simeone, Department of
47 Fish and Game, Subsistence Division out of Anchorage.

48

49 MS. WRIGHT: And I'm Sherry Wright, I'm the

50 Board Support Section at Alaska Department of Fish and Game

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1 in Anchorage.

2

3 CHAIRMAN LOHSE: With that we will go on to
4 a review and adoption of the agenda.

5

6 MR. F. JOHN: Maybe we should.....

7

8 CHAIRMAN LOHSE: Yeah, maybe we should do
9 that. Let's have everybody else introduce themselves. So
10 now we'll let everybody else introduce themselves. We'll
11 just start right the back row and work our way down --
12 well, you're standing, you can do it.

13

14 MS. TEPP: Rose Tepp, Kenaitze Indian
15 Tribe.

16

17 MR. BALDWIN: Allan Baldwin, Kenaitze
18 Indian Tribe, we're here representing the tribal
19 government.

20

21 MR. KINTZELE: I'm Bob Kintzele, I'm Vice
22 Chair of the Kenai/Soldotna Fish and Game Advisory
23 Committee.

24

25 MS. JULIESON: I'm Bonnie Julieson, I'm a
26 council member Kenaitze Indian Tribe.

27

28 MS. SMOGGE: Rita Smogge, Kenaitze Indian
29 Tribe.

30

31 MR. SHOWALTER: James Showalter, Kenaitze
32 Tribe.

33

34 MR. KING: I'm Mark King, I'm an Eyak
35 council member and representative for the Chugach Region on
36 the CR Commission.

37

38 MR. CAIN: Bruce Cain, I'm Executive
39 Director for the Native Village of Eyak.

40

41 MR. BRYDEN: Jeff Bryden, I'm a law
42 enforcement officer for the U.S. Forest Service in Alaska.

43

44 MS. ASPELUND: Sue Aspelund, Executive
45 Director for Cordova Fishermen United.

46

47 MR. STARK: I'm Chris Stark with Bering Sea
48 Fishermens Association.

49

MR. SANFORD: John Sanford, Ahtna liaison.

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1 MR. D. JOHN: Donald John, Ahtna
2 subsistence coordinator.

3
4 MS. STICKWAN: Gloria Stickwan, CRNA.

5
6 CHAIRMAN LOHSE: Did we miss anybody?

7
8 MR. KOLASINSKI: Joe Kolasinski, court
9 reporter for the meeting. And I hope everybody signed in
10 so I can get your name spelled right. Thank you. Thanks,
11 Ralph.

12
13 CHAIRMAN LOHSE: And, again, I'll introduce
14 our coordinator, which is Ann Wilkinson, she didn't
15 introduce herself, so I'll introduce her for you.

16
17 With that we will go on with the review and
18 adoption of the agenda. We have the agenda in front of us.
19 There was one thing that was brought up to our attention,
20 which is the Request for Reconsideration on the Kenai
21 issue. And since that will affect some of the proposals
22 under number 9, Tim Jennings said that he would be willing
23 to give us an informational update between eight and nine,
24 if that's okay with the rest of the Council.

25
26 (No audible responses)

27
28 CHAIRMAN LOHSE: Okay, so we'll stick an
29 info update for RFR or Request for Reconsideration, between
30 eight and nine. The only other thing that was brought to
31 my attention was the fact that Tom Boyd has to leave
32 tomorrow afternoon and he's part of the agency reports
33 under number 12. And at my suggestion, I thought that we
34 would put number 12 for the first thing tomorrow morning,
35 no matter where we were in the agenda, if that meets the
36 rest of the Council's approval.

37
38 MR. ELVSAAS: That's fine.

39
40 CHAIRMAN LOHSE: So if we get there, we'll
41 do it today, if we don't, we'll handle it first thing in
42 the morning.

43
44 Are there any other requests for change on the
45 agenda?

46
47 (No audible responses)

48
49 CHAIRMAN LOHSE: Hearing none, a motion to

50 adopt the agenda as altered is in order.

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1 MR. F. JOHN: I make a motion we adopt the
2 agenda with the additions and corrections.

3
4 MR. DEMENTI: Second the motion.

5
6 CHAIRMAN LOHSE: It's been moved and
7 seconded that we adopt the agenda with the additions of the
8 RFR update and agency report, 12, moved to tomorrow
9 morning. Any comments, discussion?

10
11 (No audible responses)

12
13 CHAIRMAN LOHSE: Question's in order.

14
15 MR. F. JOHN: Question.

16
17 CHAIRMAN LOHSE: Question's been called.
18 All in favor signify by saying aye.

19
20 IN UNISON: Aye.

21
22 CHAIRMAN LOHSE: All opposed signify by
23 saying nay.

24
25 (No opposing responses)

26
27 CHAIRMAN LOHSE: Motion carries.

28
29 At this point in time we go to the review and
30 adoption of the minutes. This was Ann's first time at
31 writing up the minutes and, like she said, she had 350
32 pages of transcript to go through and the only mistake that
33 she found, she'll tell us about, and I didn't find any
34 mistakes.

35
36 MS. WILKINSON: On attachment one in the
37 title, I had written fisheries proposals reviewed, and it's
38 actually wildlife proposals.

39
40 CHAIRMAN LOHSE: Okay. Are there any other
41 additions or corrections that need to be made to the
42 minutes that any of the Council members found?

43
44 (No audible responses)

45
46 CHAIRMAN LOHSE: Hearing none a motion to
47 adopt the minutes as written is in order.

48
49 MR. ELVSAAS: So moved.

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1 CHAIRMAN LOHSE: It's been moved, do I hear
2 a second?

3
4 MR. F. JOHN: I second it.

5
6 CHAIRMAN LOHSE: It's been moved and
7 seconded. Any further discussion or comments?

8
9 (No audible responses)

10
11 MR. DEMENTI: Question.

12
13 CHAIRMAN LOHSE: Question's been called.
14 All in favor of adopting the minutes as written, signify by
15 saying aye.

16
17 IN UNISON: Aye.

18
19 CHAIRMAN LOHSE: All opposed signify by
20 saying nay.

21
22 (No opposing responses)

23
24 CHAIRMAN LOHSE: Motion carries. Okay.
25 Now, Federal Subsistence Board response to Council's annual
26 report and Federal Subsistence Program 805 letter. You'll
27 find it under Tab C.

28
29 Ann, do we need to read this out loud or do we just
30 need to acknowledge it?

31
32 MS. WILKINSON: I wouldn't expect that you
33 need to read it out loud, since it's part of the written
34 record, but if you have read it and you can say that you
35 have read it and have no changes or mention what changes
36 you would make or note -- or excuse me, not changes, but
37 comments that you would note about it.

38
39 CHAIRMAN LOHSE: I see that two of the big
40 issues that we have in this area they didn't really take
41 any action on, the same ones that we brought up to their --
42 for information to them in the past. Both the ATV and the
43 wolf issue. What's the wish of the rest of the Council on
44 this, acknowledge that we've received them and go from
45 there?

46
47 (No audible responses)

48
49 CHAIRMAN LOHSE: They're part of the

50 booklet, basically the first one tells how they handled the

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1 proposals that we submitted to them or that we acted on.
2 And the second part is in response to our letter. I'll go
3 through a couple of things on the letter that we brought to
4 their attention. We brought to their attention the need
5 for funding for enforcement problems. Need for wildlife,
6 wolf predation and the fact that the ATVs are a problem in
7 our area. And, basically, they say they can't do anything
8 on the wolves. And that we need to keep working on the
9 ATVs.

10

11 MR. ELVSAAS: Mr. Chairman.

12

13 CHAIRMAN LOHSE: Yes.

14

15 MR. ELVSAAS: Does everybody have a copy of
16 this?

17

18 MS. WILKINSON: There's copies on the table
19 in the back, extra copies.

20

21 MR. ELVSAAS: They're available?

22

23 CHAIRMAN LOHSE: Okay. So there's copies
24 up there.

25

26 MR. ELVSAAS: I would think that the
27 printed form is available to everybody.

28

29 CHAIRMAN LOHSE: Yeah.

30

31 MR. ELVSAAS: Then I think we could do away
32 with reading it.

33

34 MR. F. JOHN: yeah.

35

36 CHAIRMAN LOHSE: Okay. With that we'll
37 just mention that both the letter and the information is
38 available on the back table, right there. It's a letter
39 that tells what kind of actions the Board took in response
40 to the Regional Advisory Council's actions and their
41 response to our annual report, a letter.

42

43 Okay. At this point in time we need to go to
44 election of officers. What we do is we turn it over to Ann
45 to elect the Chair and then the Chair will take over and
46 handle the rest of the elections. Ann, it's yours.

47

48 MS. WILKINSON: Thank you, Mr. Chairman.

49 The floor is open for nominations for Chair.

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1 MR. DEMENTI: I nominate Ralph Lohse.

2

3 MS. WILKINSON: Are there any other
4 nominations?

5

6 MR. F. JOHN: I move that we endorse Ralph.
7 How you say that?

8

9 MS. WILKINSON: All right. Then if there
10 are no objections to Ralph being elected to Chairman.

11

12 (No audible responses)

13

14 MS. WILKINSON: Seeing none, then Ralph
15 Lohse extends his year as Chairman for one more year.

16

17 CHAIRMAN LOHSE: Okay. Then I guess I take
18 over. Now, we need a Vice Chair. And are you sure you
19 won't do it?

20

21 MR. F. JOHN: No, this will be my last
22 time.

23

24 CHAIRMAN LOHSE: Going to be your last
25 time? So we need somebody to volunteer or nominate
26 somebody for Vice Chair.

27

28 MR. ELVSAAS: Well, the first question is,
29 who's not here?

30

31 (Laughter)

32

33 CHAIRMAN LOHSE: Well, Ken, Clare and Roy
34 aren't here.

35

36 MR. ELVSAAS: Would you take it, Gilbert?

37

38 CHAIRMAN LOHSE: Gilbert, would you take
39 it?

40

41 MR. DEMENTI: I don't know, with my job
42 it's real hard for me to be making these meetings. How
43 about you?

44

45 CHAIRMAN LOHSE: How about you, Fred, would
46 you take it?

47

48 MR. ELVSAAS: Sure.

49

MR. DEMENTI: Okay. I nominate Fred for

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1 Vice Chair.

2

3 MR. ELVSAAS: That makes you Secretary
4 then.

5

6 CHAIRMAN LOHSE: Well, the Secretary's not
7 here.

8

9 MR. F. JOHN: Make Clare Secretary.

10

11 CHAIRMAN LOHSE: Do we have any other
12 nominations?

13

14 MR. F. JOHN: I move the nominations be
15 closed.

16

17 CHAIRMAN LOHSE: Nominations are closed,
18 Fred's nominated for Vice Chair. Since there's no other
19 nominations, it's unanimous.

20

21 Okay. Now, at this point in time, we need a
22 Secretary, right? And if I remember right Clare is
23 Secretary right now?

24

25 MS. WILKINSON: Right.

26

27 CHAIRMAN LOHSE: She's not here to defend
28 herself, so.....

29

30 MR. F. JOHN: I'd like to nominate Clare
31 Swan for Secretary.

32

33 MR. DEMENTI: Second.

34

35 MR. ELVSAAS: Mr. Chair.

36

37 CHAIRMAN LOHSE: Yep.

38

39 MR. ELVSAAS: I think it would be in order
40 to nominate her pending her acceptance. I think that, if
41 nothing else, we could defer that position election until
42 the next meeting. But if you could find out from her when
43 she gets back from D.C., if she'd accept it, we could have
44 it done at this meeting.

45

46 MS. WILKINSON: Okay.

47

48 MR. ELVSAAS: And so I think the nomination
49 should be if she would accept it, that we nominate her.

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1 CHAIRMAN LOHSE: Yeah. Well, that's
2 automatic, because if she turns it down, then we have to
3 elect somebody at the next meeting.

4
5 MR. ELVSAAS: Right.
6

7 CHAIRMAN LOHSE: So we have a nomination
8 for Clare Swan for Secretary. Are there any other
9 nominations?

10
11 (No audible responses)
12

13 CHAIRMAN LOHSE: No other nominations, then
14 is it unanimous for Clare Swan?

15
16 MR. F. JOHN: Yeah.
17

18 MR. DEMENTI: Yes.
19

20 CHAIRMAN LOHSE: Okay. Clare Swan,
21 Secretary.
22

23 Okay. At this point in time, in our meeting we
24 have public testimony. Now, on the back table you'll see
25 some blue cards, like this, if you want to testify, fill
26 out a blue card. Testimony is available at any time. If
27 you want to testify to a specific issue and not just
28 testify in general, write down that you want to testify to
29 that issue, a specific proposal or something like that.
30 The one thing that we do is we make sure and give everybody
31 that want's to speak, opportunity to speak. And if you'd
32 like to speak to a specific issue, write it down on your
33 card and we'll make sure to have you speak on that issue,
34 too.
35

36 Have you got another one right here? Okay. Oh, I
37 see he's got them numbered, I was just going to take them
38 randomly, but I guess I can take them in the order they're
39 numbered. Okay. Rosalie Tepp. And if I pronounce your
40 name wrong, correct me at the table.
41

42 MS. TEPP: Good morning, Mr. Chairman and
43 other Council members. My name is Rosalie Tepp,
44 Chairperson for the Kenaitze Indian Tribe. Although the
45 Southcentral Advisory Council is not considering the
46 Kenaitze Indian Tribe's customary and traditional proposal
47 at this time, the tribe strongly supports a customary and
48 traditional finding for the Kenai Peninsula and would urge
49 this Council to support the Ninilchik Traditional Council

50 customary and traditional proposal, SP01-13.

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1 The only real difference in the proposal is that
2 the Kenaitze Tribe is only seeking customary and
3 traditional findings for its tribal members. Ninilchik
4 asks for customary and traditional for all fish and
5 shellfish for all Kenai Peninsula residents. Also the
6 Kenaitze Tribe's proposal specifies which fish, all species
7 salmon, hooligan, smelt, steelhead, rainbow trout, herring
8 and Dolly Varden. Clearly the Ninilchik traditional
9 proposal would benefit the Kenaitze Indian Tribe.

10

11 Thank you for this opportunity to testify for the
12 Council's comments and support.

13

14 CHAIRMAN LOHSE: Any questions for Rosalie?

15

16 (No audible responses)

17

18 CHAIRMAN LOHSE: Thank you. Gloria
19 Stickwan.

20

21 MS. STICKWAN: I'd like to speak to each
22 proposals.

23

24 CHAIRMAN LOHSE: You'd like to speak to the
25 proposals?

26

27 MS. STICKWAN: Yes.

28

29 CHAIRMAN LOHSE: Okay. Can I give this to
30 you, can you write down which proposal, so when they
31 come.....

32

33 MS. STICKWAN: All of them.

34

35 CHAIRMAN LOHSE: All of them, okay. Now,
36 is that all or all that have to do with this area here or
37 all proposals?

38

39 MS. STICKWAN: All proposals that have to
40 do with this area.

41

42 CHAIRMAN LOHSE: All that have to do with
43 the Copper River Basin?

44

45 MS. STICKWAN: Yes.

46

47 CHAIRMAN LOHSE: Okay. Set yours up here
48 then. Allan Baldwin.

49

MR. BALDWIN: Good morning, Mr. Chairman.

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1 Once again I want to offer support for a C&T determination
2 for the Kenai Peninsula and the Ninilchik Village Council.
3 The Kenaitze Indian Tribe and the other villages and tribes
4 on the Kenai Peninsula, especially their people, will
5 benefit from a C&T determination on the Kenai Peninsula and
6 I urge you to support the C&T determinations.

7

8 Thank you.

9

10 CHAIRMAN LOHSE: Allan, don't run so fast.
11 Does any of the Council have any questions for Allan?

12

13 (No audible responses)

14

15 CHAIRMAN LOHSE: Now is that both Proposal
16 13 and 33 or is that -- 13 is the one for determination for
17 all fish and shellfish in Kenai Peninsula waters.

18

19 MR. BALDWIN: Yes.

20

21 CHAIRMAN LOHSE: That was 13, 33 is the one
22 for fish and shellfish in Tuxedni, is that how you say it?
23 Tuxedni Bay?

24

25 MR. BALDWIN: Yes.

26

27 CHAIRMAN LOHSE: So you support both of
28 those?

29

30 MR. BALDWIN: Yes.

31

32 CHAIRMAN LOHSE: Okay. James Showalter.

33

34 MR. SHOWALTER: Good morning. My name is
35 James Showalter from Kenaitze Indian Tribe and I support
36 Ninilchik's Proposal 13 for C&T, due to the fact that they,
37 along with the rest of the Peninsula residents, including
38 the Kenaitze, has used all the items listed on the proposal
39 for years and years back, which is, of course, customary
40 and traditional as the peoples of the Kenai Peninsula.

41

42 CHAIRMAN LOHSE: Questions for James?

43

44 MR. F. JOHN: No question.

45

46 CHAIRMAN LOHSE: No questions, thank you.

47

48 MR. SHOWALTER: Thank you.

49

CHAIRMAN LOHSE: So you're supporting both

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1 of those proposals, right?

2

3 MR. SHOWALTER: Yes.

4

5 CHAIRMAN LOHSE: And Marvin Peters.

6

7 MR. PETERS: I'm Marvin Peters,
8 representing the Homer Fish and Game Advisory Committee. I
9 had a couple of comments, I guess. The Federal process is
10 fairly new to myself and to my committee and we didn't --
11 when we finished our meetings in the spring we didn't
12 realize this was an issue for us to be involved with
13 because, at the time, we were not considered subsistence
14 users. In the meantime we have become subsistence users
15 and I can safely speak for my committee and say we're not
16 happy to be subsistence users. Because we, in fact, are
17 not. And, I guess, there's still some ongoing question, we
18 may be changing our status even later this year sometime, I
19 don't know, I heard that there's a review being done.

20

21 But as myself and as a committee, we would have to
22 oppose Proposal 13, and I can go a point-by-point basis for
23 that. But the main reason we would oppose it is it's a
24 blanket determination of customary and traditional use for
25 all Kenai Peninsula people, which is not reasonable. We
26 might be more inclined to support the Kenaitze with
27 something that is more specifically to them. We've always
28 supported Port Graham and Nanwalek and usually Seldovia.
29 Some on our committee don't think Seldovia should even be
30 included, but nobody disagrees about Port Graham and
31 Nanwalek.

32

33 Before I came, I called anybody on the committee or
34 anybody that I could think of that I knew would have an
35 opinion on this. Two of the people I called are listed in
36 your paperwork as supporting Proposal 13, one of those is
37 Steve Vanek in Ninilchik. I called and had quite a talk
38 with him and he supports because he is, like me, a
39 commercial gillnetter and he's worried about losing his
40 fishery to sportfishing interest and the State Board of
41 Fish. And we are losing our fishery piece by piece,
42 usually a day or so every time the Board of Fish meets we
43 lose some more time. So his theory was that he wanted to
44 have subsistence rights so he could sell fish and make up
45 for the fishery he loses, his commercial fishery, he can
46 still sell fish.

47

48 So I asked him -- for one thing, you know, it kind
49 of irritated me because that would mean I would lose my

50 fish, but he wouldn't lose his because he could still sell

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1 them under Federal regulations. But then in the meantime I
2 could now sell fish, too, apparently, if Proposal 13 goes
3 through. So what he said then was that he was willing to
4 let the fishery go to 50,000 people on the Kenai Peninsula,
5 I guess just to keep it from sportfishermen in Anchorage, I
6 don't know, I'm not sure what his exact point was.

7
8 But there's a lot more to this, and I could spend
9 an hour arguing against it. One of the -- I compare Steve
10 Vanek to Pete Elvsaas. I didn't even realize Fred was on
11 this Council when I was writing my notes to come here.
12 Steve, you know, needs another 1,000 fish or so a year to
13 make up his shortfall in the commercial fishery and he
14 wants to do it though a subsistence customary and
15 traditional finding and subsequent subsistence regulations.

16
17 On the opposite side of that would be Pete Elvsaas
18 and I believe a sister who get their 20 kings a year during
19 the State subsistence fishery and they still have enough
20 left over to share. I consider that subsistence, I don't
21 consider Steve's and actually a lot of the Ninilchik area's
22 goals in this proposal to be subsistence.

23
24 I guess I'm still on hold until we see how the
25 subsistence determination settles out. I'm not sure what
26 all is going on, I know they Senator Murkowski involved in
27 it. I personally never opposed subsistence, customary and
28 traditional for specific areas, specific villages,
29 Seldovia, Port Graham, Nanwalek, possibly Ninilchik,
30 possibly maybe one or two others on the Peninsula and, of
31 course, Tyonek across the inlet. But this proposal, as
32 written, is much too broad and we cannot support it.

33
34 CHAIRMAN LOHSE: Any questions for Marvin?

35
36 (No audible responses)

37
38 CHAIRMAN LOHSE: Okay. Thank you. Faye
39 Ewan.

40
41 MS. F. EWAN: Good morning, subsistence
42 board of directors and all the people here that represent
43 the area. I support customary and traditional use for the
44 Kenaitze Tribe and the Ninilchik proposals. I believe that
45 they have a tribal government that will support the
46 customary and traditional use and they have definition of
47 the way that they prepare their food and they take care of
48 their culture and their traditions in their area. There
49 are Native people there that are related to us from here.

50 And subsistence users have a different definition than the

00018

1 Native traditional people of the Kenaitze Tribe.

2

3 Thank you.

4

5 CHAIRMAN LOHSE: Faye, don't run off so
6 fast. Any questions?

7

8 (No audible responses)

9

10 CHAIRMAN LOHSE: No. You could have ran
11 off, but had to have the opportunity. Thank you. Bob
12 Kintzele.

13

14 MR. KINTZELE: Kintzele.

15

16 CHAIRMAN LOHSE: What was that last name?
17 Kintzele, okay.

18

19 MR. KINTZELE: Yeah, I'm Bob Kintzele, I'm
20 the Vice Chair of the Kenai/Soldotna Fish and Game Advisory
21 Committee and I'm bringing my empty pail. We have no
22 meeting regarding 13 and 33. Our committee has had a
23 history of not addressing the Federal proposals. I wasn't
24 present at the January meeting, but there was a stamp that
25 was stamped on a lot of proposals. My only concern is that
26 we may have -- we're having a meeting the first Wednesday
27 in October and if any written comments at that time would
28 be too late?

29

30 CHAIRMAN LOHSE: It would be too late for
31 the Regional Council, but not too late for the Board. You
32 can always send them directly to the Federal Board, because
33 all we're doing is making recommendations to the Board, we
34 don't pass anything.

35

36 MR. KINTZELE: Sure.

37

38 CHAIRMAN LOHSE: And the Board will be
39 doing the passing, so any -- up until the time that they
40 have their meeting, it's always opened for comments,
41 written comments.

42

43 MR. KINTZELE: Okay. Our committee did not
44 address any of these and -- I'm sorry.

45

46 CHAIRMAN LOHSE: But you have an
47 opportunity, yet, if you wish to address, you have an
48 opportunity to do so in writing straight to the Federal
49 Board, Mitch Demientieff.

00019

1 MR. KINTZELE: Sure.

2

3 CHAIRMAN LOHSE: And just send it straight
4 there.

5

6 MR. KINTZELE: All right, thank you.

7

8 CHAIRMAN LOHSE: Any questions?

9

10 (No audible responses)

11

12 CHAIRMAN LOHSE: Thank you. And Pete Ewan.

13

14 MR. F. JOHN: I don't see him.

15

16 CHAIRMAN LOHSE: Okay. So he's not here
17 right at this time then, so we'll give him an opportunity
18 later. And Sue Aspelund.

19

20 MS. ASPELUND: Hello, my name is Sue
21 Aspelund, I represent Cordova District Fishermen United and
22 we have sent our comments to the Federal Board on June
23 13th, but learned this morning they have not been received,
24 so I believe Ann is passing you out a written copy and I
25 wanted to just review those briefly with you. CDFU has
26 represented the interest of the commercial fishing fleet of
27 Area E for 65 years, 65 of the hundred plus fishing history
28 that we have on the Copper River Flats and in Prince
29 William Sound. We currently have gillnets, seine, herring
30 pound and groundfish divisions.

31

32 CDFU took no action on Proposals 15, 17, 19 and 20,
33 since none of those proposals implicated the commercial
34 fishery of the Copper River. And also we'd like to
35 withdraw our comments on Proposal 18 since it's no longer
36 under consideration at this meeting. We are opposed to
37 Proposal 14, we do not believe it would provide for
38 reasonable subsistence opportunity for up river residents
39 of the Copper River and cannot support it. We are also
40 opposed to Proposal 16, as written, as it provides no clear
41 specifications and information as to what the changes in
42 the harvest limits and seasons would be in the Glennallen
43 Subdistrict. Without any specifications we believe that
44 there is no mechanism which exists to evaluate whether or
45 not the season and harvest limits are consistent with sound
46 measurable and sustainable biological principles, and
47 that's our major concern with the proposal.

48

49 I have no further comments.

00020

1 CHAIRMAN LOHSE: Does anybody have any
2 questions for Sue?

3
4 (No audible responses)

5
6 CHAIRMAN LOHSE: Sue, I've got just one.
7 On the one that you're opposed to. Well, you're actually
8 opposed to both of them, you're opposed to 14 which would
9 close the Upper Copper.

10
11 MS. ASPELUND: Right.

12
13 CHAIRMAN LOHSE: And you're opposed to 16
14 which would open it from -- basically no limit. And if I
15 understand right, the main thing is because there would be
16 no evaluation mechanism?

17
18 MS. ASPELUND: Right. Yeah, if during
19 discussions there some hard data plugged in, then we would
20 certainly reevaluate our opposition, because right now it's
21 just based on inability to evaluate the impacts.

22
23 CHAIRMAN LOHSE: Anybody else have any
24 questions?

25
26 (No audible responses)

27
28 CHAIRMAN LOHSE: Thank you, Sue.

29
30 MS. ASPELUND: Thanks.

31
32 CHAIRMAN LOHSE: I think, unless Peter Ewan
33 has come back, that pretty well takes care our.....

34
35 MR. DEMENTI: Peter Ewan is sitting right
36 there.

37
38 CHAIRMAN LOHSE: Oh, he is sitting right
39 there. Pete.

40
41 MR. DEMENTI: I don't think he can hear
42 you.

43
44 CHAIRMAN LOHSE: He's behind the -- yeah,
45 that's what I thought.

46
47 MR. P. EWAN: My name is Peter Ewan from
48 Copper Center. I've been on the State and Federal
49 (indiscernible) On the first one of the State, subsistence

50 made in Anchorage, the first one was in '65. Today we're

00021

1 with the Federal. When we testify we're supposed to
2 testify for whole Alaska, for our country, this was our
3 country first. So does Federal (indiscernible) have to go
4 to subsistence, Federal. And when the State comes they
5 took everything from us and nothings left for us or for
6 anything. When Federal was on, Federal would take care of
7 us. They give us money for living, too, and subsistence.
8

9 Today our subsistence (indiscernible) so I break
10 the law and subsistence law. I did not in no way before
11 white people come and we still got our rights, I in the
12 north of Alaska, the whole Alaska. I'm didn't not
13 (indiscernible) subsistence, the whole state got
14 (indiscernible) and us Indians of Alaska, we got nothing.
15 When Federal in here, like I said, they taking care of us.
16 The State of Alaska they don't take who got old age or
17 anybody else who have bad time, they don't look at them.
18 But Federal they look at us and subsistence (indiscernible)
19 they let us have what we bring down, what we use. And now
20 way back for many hundred years way before us. That's the
21 way they are. And the State came and they took everything
22 away from us, they got the law of Alaska denying the land.
23

24 I'd sure like to see Federal subsistence but, you
25 know, we got land when the winter land came, we still got
26 them. And State of Alaska said they're the boss on that
27 one. I'd like to see Federal subsistence back on our land,
28 like it was before. But a lot of them people, they don't
29 want Federal subsistence, I don't know why. Some of the
30 young people they don't know how the Federal was taking
31 care of us. They think the State of Alaska is a better
32 than (indiscernible). Use elders, we know how Federal was
33 with us, we know how they've been taking care us.
34 Subsistence ways, too. When the State come they took
35 everything, they took our land, they took our trapline,
36 they took our hunting place, they're the big boss of us, we
37 cannot do what we want to do.
38

39 That's all. Any questions?
40

41 CHAIRMAN LOHSE: Any questions for Pete?
42

43 (No audible responses)
44

45 CHAIRMAN LOHSE: Thank you. Do we have
46 any more, Ann, that wish to testify?
47

48 MS. WILKINSON: One more.
49

00022

1 MR. D. JOHNS: Good morning. My name is
2 Donald Johns and I represent Ahtna. I'm a shareholder,
3 coordinator, subsistence coordinator. I'm not going to
4 testify now, but I'm going to go from -- as I writ [sic]
5 down, each proposal for Copper River and that's all until
6 then.

7
8 CHAIRMAN LOHSE: You'd like to save it all
9 until on each proposal?

10
11 MR. D. JOHNS: Right. Right, with Gloria.

12
13 CHAIRMAN LOHSE: That's fine. Thank you.
14 Well, if we don't have anybody else that wishes to testify
15 at this time we'll close this public testimony part of the
16 meeting. But at any time, if something comes up that you
17 wish to testify, fill out a blue slip and we'll make room
18 for you. And, also, like I said, if you wish to testify on
19 specific proposals, fill out a blue slip and we'll give you
20 the opportunity to testify on those proposals.

21
22 Okay. What we would like to is a take a five-
23 minute break so everybody can go fill their coffee cups and
24 drain their old coffee and then we'll get started on the
25 meeting part of the meeting.

26
27 (Off record)

28
29 (On record)

30
31 CHAIRMAN LOHSE: I'll call this meeting
32 back to order. I've been kind of looking to see where Fred
33 is -- oh, here he comes. So as soon as he sits down we'll
34 begin again. I hope you all had an opportunity to get your
35 coffee cups filled and get your sugar fix and support the
36 local young people.

37
38 With that we're going to go on to Tim Jennings
39 who's going to give us an update on the Request for
40 Reconsideration process. Is this piece of paper available
41 back on the back table, too? There's a piece of paper with
42 time lines on it on the back table.

43
44 MR. JENNINGS: It's been handed out.

45
46 CHAIRMAN LOHSE: It's been handed out,
47 okay.

48
49 MR. JENNINGS: Good morning, Mr. Chair,

50 Council members. My name is Tim Jennings, I'm with the

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1 Office of Subsistence Management, I'm a division chief
2 there. And the purpose of this briefing is to give you an
3 update of the status of the Kenai rural determination
4 process and a Request for Reconsideration that the Board
5 has received and accepted. And there's an acronym used in
6 this handout, that's the RFR and that stands for Request
7 for Reconsideration. I know everyone is not always used to
8 the acronyms that we use.

9

10 Mr. Chair, as you are aware, the Board found on
11 October -- excuse me, on May 4th that the entire Kenai
12 Peninsula was rural. And after that time period and
13 decision there's an opportunity for interested parties to
14 request that the Board reconsider its decision. We have
15 received Requests for Reconsideration from the Safari Club
16 and from the Cooper Landing ADF&G Advisory Committee.
17 We've also received a comment letter from the State of
18 Alaska, Department of Fish and Game. Copies of all those
19 letters and Requests for Reconsideration have been
20 forwarded to Council members.

21

22 As you can see from the time line in the next
23 steps, the Federal Board accepted the Request for
24 Reconsideration regarding its May decision on the Kenai on
25 August 15th. And, basically, the Board sees this as an
26 opportunity to strengthen the record and to address and
27 evaluate claims that have been set forth in the Request for
28 Reconsideration. Staff is currently working on an
29 evaluation or a staff analysis of the various issues and
30 claims that have been raised in the Requests for
31 Reconsideration, and you can see from the proposed time
32 line here that that Board has approved that the staff
33 analysis will be available for public review toward the end
34 of December.

35

36 The next step, after public review of the staff
37 analysis of the Request for Reconsideration issues is the
38 need for a public hearing. And we are proposing to have
39 this public hearing on the Kenai, somewhere yet to be
40 determined. And the purpose of this hearing would be
41 twofold, to obtain public comment on the Request for
42 Reconsideration and public comment on the staff analysis of
43 those issues. And also to obtain Southcentral Regional
44 Advisory Council recommendation on the Request for
45 Reconsideration.

46

47 And you'll note that we have a January 18th date
48 proposed. I'd just like to point out that that's not hard
49 and fast at this point, it's a target date. And we want to

50 dialogue with the Council and interested parties before we

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1 firm up the date of that public hearing. Following the
2 public hearing, then, on the Kenai then would be the Board
3 final decision on the Request for Reconsideration. And we
4 are proposing, at this time, a mid-February time frame.
5

6 Last week the Board approved, in concept, the steps
7 and the time frame. The Federal Board approved the time
8 frame and the steps. And there's a companion or an
9 accompanying issue that the Board discussed, and that is in
10 regard to C&T, customary and traditional use determination
11 regulatory proposals that are before you today, Proposals
12 13 and 33. And you've already heard some public testimony
13 already on those. What the Board has decided to do at the
14 present would be for them, they believe that it would be
15 prudent for them to defer final Board action on those two,
16 customary and traditional use determinations until after
17 they make their final decision on the Request for
18 Reconsideration. So what they plan to do at this time,
19 what they are recommending that the Council pursue here
20 today, is to go ahead and to hear the staff analysis and to
21 obtain public testimony and to make a Council
22 recommendation, if you so desire, in regards to those two
23 proposals. Currently, as those two proposals are written,
24 they address the entire Kenai Peninsula as being rural.
25

26 Of course there's a couple of different outcomes
27 for the Board's decision regarding the Request for
28 Reconsideration on the Kenai. If the Board's decision
29 stands that the entire Kenai is rural then these two
30 proposals, 13 and 33, potentially could be ready for the
31 Board to take action shortly after they've made that
32 determination on the Request for Reconsideration.
33

34 On the other hand, if the Board decides to modify
35 its decision on the rural status of the Kenai, then staff
36 would go back and we would focus the analysis appropriately
37 and we would come back through the Council and the public
38 process to update a different analysis.
39

40 So the Board has asked us today to present this to
41 you to obtain any of your views that you might have in this
42 matter and report those to the Board. And, Mr. Chair, I'll
43 stop there and entertain any questions.
44

45 CHAIRMAN LOHSE: Thank you, Tim. Fred.
46

47 MR. ELVSAAS: As I understand it, a Request
48 for Reconsideration was accepted by the Board. The Board
49 had already acted prior to that and the Kenai Peninsula is

50 designated as rural at this point. If the two proposal

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1 concerning the Kenai, 13 and 33, are acted on today by the
2 Advisory Council, that would not be out of order. There's
3 no need to delay the Board addressing the issues this
4 morning, so we can go forward with that. And I'm not sure
5 on exact time line here, whether that fits or not, but if
6 the Board were to reverse itself then, of course, the two
7 proposal have to be readdressed. But in the event that
8 they don't the Kenai is rural and the recommendations of
9 this Advisory Committee to the Board could be addressed by
10 the Board at that point. So I don't see any need to defer
11 any action on those two items.

12

13 MR. JENNINGS: I concur with you and that's
14 our recommendation to you, that the Council move forward
15 with these two proposals. The point of deferral I was
16 mentioning is at the Federal Board level. The Federal
17 Board will take up all of the fisheries regulatory
18 proposals in its December 4th meeting in Anchorage and at
19 that time they -- at the present they are proposing that
20 they defer final Federal Board action until they make their
21 final decision on the Request for Reconsideration. So what
22 you've mentioned, Mr. Elvsaas, is what we would recommend
23 that this Council proceed with, go ahead and address the
24 issues today and that way if the decision stands the Board
25 would be ready to act.

26

27 MR. ELVSAAS: I thought I had heard you we
28 defer.....

29

30 MR. JENNINGS: Yeah, I wasn't recommending
31 -- the Board wasn't recommending that the Council defer at
32 this time.

33

34 MR. ELVSAAS: Right, yeah. Okay. Thank
35 you.

36

37 MR. JENNINGS: Does that clarify?

38

39 MR. ELVSAAS: Yes.

40

41 MR. JENNINGS: Sorry for the confusion
42 there.

43

44 CHAIRMAN LOHSE: Fred, you said something
45 about dates before, did you see a date here particularly --
46 you said something about date before, do you see a
47 date.....

48

49 MR. ELVSAAS: Oh, I just wondering about

50 how hard and fast these dates were.

00026

1 CHAIRMAN LOHSE: They're not hard and fast.
2 The last one is hard and fast, isn't it?

3

4 MR. JENNINGS: All the dates are target
5 dates.

6

7 CHAIRMAN LOHSE: They're all target dates.

8

9 MR. ELVSAAS: Okay.

10

11 CHAIRMAN LOHSE: Any other questions for
12 Tim?

13

14 MR. F. JOHN: I got question. Did you say
15 that the Federal Board will defer these two proposals when
16 it come up to them and they're the one that make the Kenai
17 rural?

18

19 MR. JENNINGS: Currently that's correct
20 that the Board is currently planning to defer their final
21 action on these two proposals, 13 and 33, until after they
22 make their final decision regarding the Kenai, the Request
23 for Reconsideration on the Kenai rural status. So the
24 current plan would be, then, if these target dates hold,
25 that the Board would make that decision around mid-February
26 and then they would be ready shortly thereafter to take up
27 these two proposals.

28

29 MR. F. JOHN: I'd like to ask a question.
30 What make them change their mind?

31

32 MR. JENNINGS: Change their mind?

33

34 MR. F. JOHN: Was it pressure or just
35 majority of the people? I mean, I just want to know.

36

37 MR. JENNINGS: Are you referring to the
38 Board's.....

39

40 MR. F. JOHN: The Board, yeah.

41

42 MR. JENNINGS:decision to accept the
43 RFR, the Request for Reconsideration, on the Kenai?

44

45 MR. F. JOHN: Uh-huh. (Affirmative)

46

47 MR. JENNINGS: Is that what you're
48 referring to?

49

MR. F. JOHN: Yeah.

00027

1 MR. JENNINGS: Well, the Board hasn't
2 changed its mind. What they've acknowledged at this point
3 is that they believe it would be prudent to accept those
4 requests for further evaluation, but they've not made any
5 decision on the merits of those requests, that will come at
6 the February time frame.

7
8 MR. F. JOHN: Maybe it's political or maybe
9 it's just -- I don't know, because, you know, we, as a
10 Council member here, went so many times to Kenai and we
11 came back and we voted unanimously to make it rural, you
12 know. And they keep asking us to go back down again. To
13 me, I think the Board should go back down and look at the
14 country down there and then, you know, maybe they could
15 make up their mind at once and for good, instead of just
16 referring it to the Advisory Council, we've been down there
17 so many times. We've been down there, I think, more than
18 any other place in Southcentral Region. I just want to put
19 that on record.

20
21 MR. JENNINGS: I think the Board sees this
22 as an opportunity to strengthen the record. And then also
23 in terms of the process for the Request for Reconsideration
24 it does require Council input, so we will need -- the Board
25 would like to obtain Council recommendation and input on
26 the Request for Reconsideration, so it's part of the
27 process.

28
29 MR. F. JOHN: No more questions.

30
31 CHAIRMAN LOHSE: No more questions.

32
33 Tim, just for clarification, on any proposal the
34 Board passes, somebody can put a Request for
35 Reconsideration in, I mean, that's part of the process,
36 right?

37
38 MR. JENNINGS: For the regulatory
39 proposals, that's correct.

40
41 CHAIRMAN LOHSE: For regulatory proposals.
42 But the Board doesn't have to accept the Request for
43 Reconsideration if they don't think it has some merit?

44
45 MR. JENNINGS: Correct. That's correct.

46
47 CHAIRMAN LOHSE: So they actually have to
48 make a merit decision before they accept the Request for
49 Reconsideration?

00028

1 MR. JENNINGS: The Board has to make a
2 decision, if they believe that there is something in the
3 request they should be taking another look at. The Board
4 has rejected requests they believed were frivolous or
5 didn't contain any substance or new information, that's
6 always their option. In this case they've decided to go
7 ahead and accept the request and take a hard look at this
8 one more time.

9

10 MR. DEMENTI: Can I ask a question?

11

12 CHAIRMAN LOHSE: Sure.

13

14 MR. DEMENTI: How many requests did the
15 Board receive?

16

17 MR. JENNINGS: Excuse me, sir?

18

19 MR. DEMENTI: How many requests does the
20 Board need to receive before they made this decision?

21

22 MR. JENNINGS: There could be only one
23 request in terms of taking another look at this. There
24 only needs to be one request. In this instance there were
25 two requests.

26

27 MR. DEMENTI: That was from a group.....

28

29 MR. JENNINGS: They were from two groups,
30 the first request was from the Safari Club International
31 and a local chapter and the Alaska Outdoor Council. There
32 were several groups that were together in this first
33 request. The second request was from the Cooper Landing
34 Alaska Department of Fish and Game Advisory Committee.

35

36 MR. BOYD: Tim, it was not the Alaska
37 Outdoor Council, it was the Kenai Peninsula Outdoor
38 Coalition.

39

40 MR. JENNINGS: Oh, excuse me, it was not
41 the Alaska Outdoor Council, it was the.....

42

43 MR. BOYD: Kenai Peninsula Outdoor
44 Coalition.

45

46 MR. JENNINGS:Kenai Peninsula Outdoor
47 Coalition.

48

49 CHAIRMAN LOHSE: Fred.

00029

1 MR. ELVSAAS: Is there a time line on these
2 Requests for Reconsideration?

3
4 MR. JENNINGS: Yes, in terms of them being
5 a valid request, the time frame for submitting these must
6 be within 60 days of the effective date of the regulation.
7 And the Kenai rural determination became effective on July
8 1, so the time frame was July and August, during that time
9 period. So we've now passed that time period, any requests
10 that would be received now would be beyond that time
11 period.

12
13 MR. ELVSAAS: Thank you. I was just
14 concerned that it not be an opened door and somebody
15 requests to reconsider something that's years past.

16
17 MR. JENNINGS: Right.

18
19 MR. ELVSAAS: But 60 days sounds reasonable
20 to me.

21
22 MR. JENNINGS: Yeah, the 60 days is in our
23 regulations.

24
25 MR. ELVSAAS: Okay, thank you.

26
27 CHAIRMAN LOHSE: Any other questions for
28 Tim?

29
30 (No audible responses)

31
32 CHAIRMAN LOHSE: Thank you. I think you
33 pretty well caught us up on that.

34
35 MR. JENNINGS: Thank you, Mr. Chair.

36
37 CHAIRMAN LOHSE: And then we'll proceed
38 with the proposals. At this point in time we're going on
39 to the fishery proposals, review of Council's
40 recommendations. They're found under Tab E. Okay. Under
41 Tab E, the first proposal we have in front of us is
42 Proposal 13. You'll find it on page 5. Shall we have
43 staff analysis and a reading of the proposal?

44
45 MS. PETRIVELLI: Proposal 13 was submitted
46 by the Ninilchik Tribal Council, Stephen Vanek and
47 Mr. Bahr. And they submitted requesting the use of all
48 fish and all shellfish per various categories of people in
49 the Kenai Peninsula. Well, actually Ninilchik said

50 residents of the Kenai Peninsula District, Stephen Vanek

00030

1 said of communities bordering Cook Inlet and Mr. Bahr said
2 the residents of Ninilchik. And then Mr. Kroll, Henry
3 Kroll, submitted a proposal for Tuxedni Bay for specific
4 species of fish and shellfish and then some game for
5 customary and traditional use by residents of Tuxedni Bay.
6 With the game matters, they're going to be deferred for the
7 game regulatory cycle, but for the fish use, we rolled
8 Proposals 13 and 33 together since they included the same
9 area, because Tuxedni Bay is located within the Cook Inlet
10 area. And the map of the area is on page 11 of the
11 proposal. And that's the whole Cook Inlet area. And what
12 this proposal addresses is we narrowed, rather than the
13 whole Cook Inlet area to the boundaries of the Kenai
14 Peninsula Borough, and that included all the proposers and
15 it includes all the waters of -- essentially most of the
16 waters of the Cook Inlet.

17
18 So the analysis only addresses salmon because
19 salmon is a primary resource for all of those subsistence
20 users. And we're going to defer analysis of the use of the
21 other species requested until the next regulatory cycle.
22 And we're going to defer shellfish until the next
23 regulatory cycle, just because -- by the time we included
24 all the communities of the Kenai Peninsula Borough, that
25 was 30 communities and it was enough to do salmon and so
26 later, as I went through, I gathered the information
27 relating to the other species, which would be burbot,
28 grayling, trout and Dolly Varden and char. And then
29 shellfish will also be done later. So I addressed just
30 salmon.

31
32 CHAIRMAN LOHSE: Pat, can I ask you a
33 question then?

34
35 MS. PETRIVELLI: Uh-huh. (Affirmative)

36
37 CHAIRMAN LOHSE: Basically, what you're
38 saying is if we pass Proposal 13, it covers the questions
39 that are asked in Proposal 33, so you wouldn't have to act
40 on both proposals? Because the residents of Tuxedni Bay or
41 however you say it.

42
43 MS. PETRIVELLI: Tuxedni Bay.

44
45 CHAIRMAN LOHSE: Tuxedni Bay would be
46 already covered by Proposal Number 33.

47
48 MS. PETRIVELLI: The recommendation, yeah.
49 The staff recommendation I made for 13 would cover the

50 request by 33, so.....

00031

1 CHAIRMAN LOHSE: But if we were going to
2 just cover salmon, will we have to amend this proposal
3 then?

4
5 MS. PETRIVELLI: The staff recommendation
6 involves an amendment.

7
8 CHAIRMAN LOHSE: Okay. I'll let you go
9 through the whole thing.

10
11 MS. PETRIVELLI: Yeah. Well, I ended up
12 with -- my recommendation is the eventual -- I guess --
13 let's start with what I wanted to end up with, but what I
14 ended up with is granting a positive customary and
15 traditional use determination for the residents of the
16 Kenai Peninsula Borough within the boundaries of the Kenai
17 Peninsula Borough for the use of salmon. So that was my
18 final recommendation.

19
20 And in coming to that recommendation what I did was
21 consider the eight factors, so when you look at Map 11,
22 those are the boundaries, there's the Kenai Peninsula
23 Borough and then, of course, on the next page has just the
24 areas covered by Tuxedni Bay, just for informational
25 purposes, but that's within the Kenai Peninsula boundaries.
26 But on page 14 it lists all the communities of the Kenai
27 Peninsula Borough and there's 30 communities listed and
28 then beside the residents of the communities, there's
29 another 8,000 people that do not live in a named community,
30 so they just live along the road areas. And, of course,
31 some of these communities, like, under their time machines,
32 like their historical depths, it tells, you know, there's
33 the term geographic location and that really just means
34 that there's not a named community there or a council, like
35 Ridgeway, and what that means is that it just identified as
36 a geographic location and people know that they're from
37 Ridgeway.

38
39 And most of the information within the analysis is
40 divided because Fish and Game -- well, the materials I used
41 to make the analysis were mainly Fish and Game documents
42 and Fall and Stanek did a report in 1990 which I drew
43 upon heavily and updated the information. But most of the
44 information is broken into northern, central, southern,
45 eastern districts and the boundaries of those districts are
46 on the map across from page 14, just so you'll know how
47 it's broken down, because the permit data was broken that
48 way and just in the use data for the past 40 years has been
49 broken into those districts.

00032

1 And then the areas that were analyzed by ADF&G for
2 subsistence surveys is on page 15. And the communities
3 have used from anywhere for the use of salmon, salmon made
4 up from 26 to 72 percent of their diet, of their per capita
5 subsistence use. So just as far a quantitative numbers of
6 the communities that are available, salmon has played a
7 role in those communities.

8
9 The species that occur, of course, all five are
10 located in the Cook Inlet area and then -- well, the pink,
11 chum, coho, sockeye and chinook, they're all -- all five
12 species occur throughout the area, not evenly and so people
13 travel back and forth in various districts and areas.

14
15 In considering the five factors we looked at the
16 use with the available data there was and the main ones I'm
17 going to talk about is the long-term consistent pattern and
18 the areas they used it. So I'll discuss those and then sum
19 other six factors. And so I'll start.

20
21 With the long-term consistent pattern of use of
22 salmon by the residents of the Kenai Peninsula Borough, of
23 course, historically first evidence is archaeologically and
24 on the east side there's a site by the Russian River
25 Campgrounds that goes back 3,000 years. There's evidence
26 of use of salmon throughout all levels. And that site was
27 occupied by the Kachemak Bay people and then also the
28 Dena'ina later for the past thousand years. On the west
29 side of Cook Inlet, at Tuxedni Bay there's a site that
30 shows the evidence of use of salmon there also for that
31 extended period. So historically and archaeologically
32 salmon has been viewed in the ethnographic record as an
33 important use by the people there.

34
35 Since statehood, well, before statehood, salmon was
36 restricted -- the Federal government -- under Federal
37 jurisdictions, salmon was restricted to marine waters only
38 beginning in 1952. And so people weren't allowed to use
39 the fresh water streams for subsistence use of salmon in
40 1952. Once the State took over, they followed the State
41 [sic] regulations and just allowed subsistence use in the
42 marine waters only in Cook Inlet. And then they started
43 permitting in 1962, after that. And then the next major
44 event that happened was in 1977 and the Cook Inlet
45 Management Plan called for a primary use of the resource.
46 They allocated chinook and cohos to recreational uses and
47 then sockeye and chum and pinks to commercial uses. So
48 that left the non-commercial use of salmon, which was
49 subsistence then, without a primary source of use.

00033

1 The permitting numbers were affected by the
2 permitting system and on page 19 there's a table showing
3 the data and the various information. And, of course,
4 after the '70s that's when the numbers start increasing
5 dramatically. Part of it is the roads and part if is the
6 cutting back of use by commercial fishermen, because
7 commercial used to keep fish out of their commercial
8 harvest and once they were restricted to sockeyes, chums
9 and silvers and they started getting subsistence permits.
10 Or they weren't called subsistence then, but non-commercial
11 use. So, like, in 1962 there was 192 permits issued, but
12 then by 1979 it went up to 1,598. Of course, the most
13 recent permit available is 1997 and there's 14,919, but
14 those aren't subsistence, those are personal use permits.

15 With the idea of subsistence after the subsistence
16 priority law passed and on the Kenai Peninsula essentially
17 the areas that are subsistence now are Tyonek, Port --
18 under the State system are Tyonek, Port Graham, Nanwalek
19 and Seldovia. And so those are the recognized subsistence
20 use area by the State. Under our Federal regulations there
21 is no customary and traditional use of salmon because --
22 that's why the proposer submitted this proposal. But
23 essentially people have use salmon for subsistence uses
24 since time immemorial and they use it either under the
25 subsistence permit system or under personal use permits.

26
27 The openings and closings have been affected by
28 regulations and court decisions. There's been quite a few
29 court decisions in this matter and they're all included in
30 Appendix B of the proposal and that has the significant
31 regulatory actions. Steve Braund started with Fall and
32 Stanek's report in 1990, summarized it all, but the main
33 ones, of course, were setting up the subsistence use and
34 then afterwards defining the personal use districts and
35 declaring a lot of the Kenai Peninsula area as a non-
36 subsistence area. And that decision stood in 1992.

37
38 As far as the areas where people used fish, and
39 looking specifically at Federal lands, that's in Section 4
40 and the evidence of use -- of course a lot of the Federal
41 lands on the Peninsula are fresh water streams and they've
42 been regulatory prohibited from using fresh water streams
43 since 1952. But archaeologically there is evidence of use
44 of those areas through that one site at Russian River and
45 then there's a few other sites listed. There's about three
46 other sites that have been identified, showing fish camp
47 sites in other areas. And on the west side people have
48 used the -- on the west side is one of the few areas where
49 there is Federal marine water jurisdiction and that's

50 through the Park Service and an area around Chisik Island,

00034

1 there is Federal marine water jurisdiction, and that map
2 shows the marine water jurisdiction.

3

4 And the evidence of use for that has been supplied.
5 There was one study done by the Park Service and they did
6 show some use of that area by subsistence users for salmon.
7 And then there was some personal communication -- well,
8 from people of Ninilchik and Seldovia that were across the
9 inlet and go fishing for silvers in that area. And, of
10 course, there's setnet permit people -- the commercial
11 setnet permits used the area for subsistence salmon also
12 and that has consistently been used.

13

14 The other factors with the sharing, the handling
15 and preserving -- well, the means -- in the marine waters
16 they've been restricted to gillnets and then there's been a
17 dipnet fishery at the mouth of the Kasilof and the Kenai,
18 so those have been the main methods, is gillnets and
19 dipnets. And, of course, historically and traditionally
20 other means were used, like traps and weirs. And then for
21 preparing, preserving and storing fish it's broken down
22 with the northern and central and eastern and, of course,
23 there's the various traditional methods, but the people
24 have used freezing and -- the new ones are freezing and
25 pickling and salting.

26

27 And then the handing down of knowledge is just
28 summarized and, of course -- well, from the Fish and Game
29 customary and traditional use worksheets, and the sharing,
30 there's a table identifying the levels of the different
31 stocks. And there's numbers that shows that people do
32 share salmon. And that they use different resources. Of
33 course there's a wide range of different use of different
34 resources and that fits the nature of the Kenai Peninsula
35 and on page 27 there's a chart that shows -- and it has it,
36 just the diverse use for Kenai. North Fork Road is
37 within the Homer rural area, then Ninilchik, and then
38 Nikolaevsk and Voznesenka and Fritz Creek east, those are
39 Homer rural areas, and then Seldovia and Nanwalek, Port
40 Graham.

41

42 As you can see Port Graham has a mean average of
43 18.4 use of different kinds of resources and at the very
44 other end is the mean average is 6.9 for Kenai, which is
45 vastly different, but when you show the difference in
46 between it's like a stair-step, but they're not that much
47 difference from each other, so the 6.9 to the 8.4 is
48 similar and the 8.4 to the 9.2 -- part of the explanation
49 of the diversity on 18.4 is that's not a road connected

50 community. Seldovia is the only other non-road connected

00035

1 community and they use more subsistence resources, but not
2 as much as Nanwalek and Port Graham. And I think Nanwalek
3 and Port Graham has a higher diversity because they use
4 marine mammals more extensively than Seldovia would.

5
6 And then the road connected communities have really
7 -- they've -- in their use of resources they've been
8 restricted by -- because they are road connected they have
9 a lot of more harvest restrictions and regulations. And,
10 of course, when you look at Ninilchik, which has been a
11 rural area under the Federal Subsistence Program it's 9.2
12 and there's a recent study by ADF&G shows that their
13 harvest levels have increased over the past 10 years
14 significantly with the Federal regulations.

15
16 So the main.....

17
18 CHAIRMAN LOHSE: Can I ask you a question?

19
20 MS. PETRIVELLI: Uh-huh. (Affirmative)

21
22 CHAIRMAN LOHSE: On this one that we were
23 just on, the table with the chart.

24
25 MS. PETRIVELLI: Uh-huh. (Affirmative)

26
27 CHAIRMAN LOHSE: That represents not
28 poundage or anything like that, that represents
29 different.....

30
31 MS. PETRIVELLI: Kinds of resources.

32
33 CHAIRMAN LOHSE: Would that be berries,
34 fish, different kinds of fish.....

35
36 MS. PETRIVELLI: Moose.

37
38 CHAIRMAN LOHSE:moose, stuff like
39 that?

40
41 MS. PETRIVELLI: Uh-huh. (Affirmative)

42
43 CHAIRMAN LOHSE: So basically the more
44 different kinds, not quantity?

45
46 MS. PETRIVELLI: No. The quantities is in
47 the table on -- at the very beginning of the report,
48 there's a quantity and.....

49

00036

1 MS. PETRIVELLI:but that table just
2 shows the different kinds of resources, because that's the
3 factor eight, is how a community recognizes -- or the
4 number of resources they use.

5
6 MR. DEMENTI: On this chart you got
7 Nanwalek and Port Graham together, is there a reason?

8
9 MS. PETRIVELLI: Their numbers were so
10 similar, and it's a Fish and Game chart, I just copied
11 their chart.

12
13 MR. DEMENTI: Oh.

14
15 MS. PETRIVELLI: Yeah.

16
17 MR. DEMENTI: So it would be 9.2 or
18 something?

19
20 MS. PETRIVELLI: No, it's the average, one
21 was like, I think, 16 and the other one was 21, but it's a
22 five-year average, because they've averaged -- they studied
23 Nanwalek and Port Graham more frequently and they took an
24 average over five years and that was the average of the
25 numbers. It ranged anywhere from 16 different kinds to 24
26 different kinds, so that was the average.

27
28 And essentially -- the main thing in looking at all
29 these factors and the data from permits and history of use
30 in the areas, what essentially I -- I echoed mainly what
31 Steve Braund had said in 1980, was throughout the Kenai
32 Peninsula there's a small core of users who depend up on
33 subsistence in each community. Well, not a small core,
34 there is a core of users in each community throughout the
35 Kenai Peninsula that depend upon salmon. In the small
36 communities that core is a large group, you know, it's the
37 main group, like Nanwalek, Port Graham, Tyonek.

38
39 In the larger communities that core is a small
40 part, but that core of users of salmon exist in each
41 community in each area. And they have consistently used
42 the salmon and this use had been recognized regulatory
43 through the seasons and the acknowledgement that even when
44 the Boards -- or Fish and Game declared the Kenai Peninsula
45 non-subsistence areas, they accommodated these user through
46 personal use permits and through the educational fisheries
47 at Ninilchik and Kenaitze, allowing for this use of salmon
48 to continue. And so in recognition of that use of salmon
49 by these communities I recommended a positive customary and

50 traditional use of salmon for the residents of the Kenai

00037

1 Peninsula Borough within the boundaries of the Kenai
2 Peninsula Borough.

3

4 MR. ELVSAAS: Mr. Chairman, can I ask a
5 question?

6

7 CHAIRMAN LOHSE: Yes, Fred.

8

9 MR. ELVSAAS: We like the core user group
10 concept.

11

12 MS. PETRIVELLI: Uh-huh.

13

14 MR. ELVSAAS: As you mention like in Port
15 Graham and Nanwalek, there's a larger core group of the
16 community. Between the areas -- well, Kenai and the
17 Kenaitze it's a smaller group in terms of percentage, but
18 not in terms of people. I would venture that the Kenaitze
19 people alone subsistence users are greater than Port Graham
20 and Nanwalek combined, the numbers of people.

21

22 MS. PETRIVELLI: Uh-huh.

23

24 MR. ELVSAAS: Because there's a -- but
25 there's such a large influx of non-users in that area that
26 the percentage is smaller, so the percentage is small, but
27 the core group is still there. The users are still there.

28

29 MS. PETRIVELLI: Yeah. And I agree, the
30 core group is there, it's just a matter of how you
31 recognize -- well, the core group of users is present
32 throughout the Kenai Peninsula Borough area.

33

34 MR. ELVSAAS: Thank you.

35

36 CHAIRMAN LOHSE: Any other questions for
37 Pat?

38

39 MR. F. JOHN: I got a question. On page 22
40 there, I just read that, like, significant regulatory
41 action relating to this proposal include the 1952 action
42 prohibiting freshwater subsistence fishing and a 1977
43 adoption of the Comprehensive Management Policy. What are
44 these things that stop our freshwater subsistence fishing
45 on the Kenai. I read it two, three times, I don't
46 understand.

47

48 MS. PETRIVELLI: Oh.

49

MR. F. JOHN: I mean, what was the action

00038

1 that stopped the subsistence freshwater fishing?

2

3 MS. PETRIVELLI: It was just a regulation
4 by whoever was the Federal managers in 1952. Well, because
5 there was the increased use of users, because the
6 population was increasing in Anchorage. And so they
7 started putting restrictions on freshwater use, so they
8 just banned, oh, the use of nets in the rivers by non-
9 commercial users. That's what it was in 1952.

10

11 Oh. Well, let's see. So include -- yeah, in 1952
12 there was a regulatory action that just banned the use of
13 nets in rivers. I guess I should have clearly stated that.
14 Okay. In 1977 the Comprehensive Management Plan just --
15 the said the priorities for the use of fish for early kings
16 and late silvers was for sports users and that was the
17 priority. That meant that the subsistence use had no
18 priority and no -- but it just -- I guess I summarized too
19 much, I apologize.

20

21 But those two factors -- well, let's see those two
22 factors ended -- said that subsistence users couldn't use
23 freshwater and that subsistence users didn't have access to
24 kings or silvers anymore, that's essentially what it says.

25

26 MR. F. JOHN: Thank you.

27

28 CHAIRMAN LOHSE: Any other questions for
29 Pat?

30

31 (No audible responses)

32

33 CHAIRMAN LOHSE: Let's see if we have
34 somebody that wants to speak on these. Let's see, I had
35 them sitting someplace.

36

37 MS. PETRIVELLI: Oh, and I forgot to
38 mention something. We did receive a letter asking that the
39 Kenaitze be included in this proposal and we responded that
40 they were included because of the way it was written
41 including all the Kenai Peninsula Borough residents.

42

43 CHAIRMAN LOHSE: I still have one question,
44 Pat. The proposal, as it's written, includes, well,
45 salmon, Dolly Varden, trout, char, grayling, burbot.....

46

47 MS. PETRIVELLI: Uh-huh.

48

49 CHAIRMAN LOHSE:but the analysis is

50 just on salmon. So at this point in time the only thing

00039

1 that we could act on would be.....

2

3 MS. PETRIVELLI: Well, to modify -- if you
4 accept the staff modification.

5

6 CHAIRMAN LOHSE: But if we didn't accept
7 the staff modification, where would we get information on
8 the -- we wouldn't have information on the other ones at
9 this point in time?

10

11 MS. PETRIVELLI: No, you don't.

12

13 CHAIRMAN LOHSE: Or we would have to take
14 it as public testimony?

15

16 MS. PETRIVELLI: Yeah, you would have to
17 take it from public testimony, yeah.

18

19 CHAIRMAN LOHSE: Okay.

20

21 MS. PETRIVELLI: But we would be presenting
22 information later, at a later date.

23

24 CHAIRMAN LOHSE: Is there any questions
25 from any of the other Council members on that? Fred.

26

27 MR. ELVSAAS: One thing that bothers me is
28 in Proposal 33, the concept of restricting the fishery to
29 residents of Tuxedni Bay. For many, many years there was
30 no residents, in the past year there's on resident, and
31 he's the proponent, and it raises a real question if the
32 logging operations are operational over there in the
33 Crescent Valley area and so forth, there'll be an influx of
34 people, mostly from Oregon, Idaho, someplace that
35 professional logging companies, would they be eligible for
36 this at the detriment of other people in the Kenai, is that
37 the way you view this? Or are you just deleting the
38 concept of residents of Tuxedni Bay?

39

40 MS. PETRIVELLI: Well -- and I guess I
41 introduced this wrong, but part of it was -- oh, the idea
42 that in the past when someone has made a request the custom
43 was to expand it to look at the use by all possible users,
44 so that it's not completely restrictive, so what I did was
45 immediately expand it to the residents of the borough.
46 With the influx of the newcomers, I'm not sure. If you
47 think that's a potential problem -- I know in the past
48 where they done the residents of a borough, Kodiak Island
49 Borough, they've said residents of the Kodiak Island

50 Borough, except for the people living on the Coast Guard

00040

1 Station, so that way newcomers that come and live there
2 temporarily aren't included in that designation. But I'm
3 not sure in the Kenai Peninsula if it would be possible to
4 identify.

5

6 Mainly on the west side, the Borough doesn't even
7 recognize Mr. Kroll as living in Tuxedni Bay and they say
8 that people live in Tyonek, but there are quite a few other
9 people that live over there that they're not aware of or
10 that they don't count in their census activities.

11

12 MR. ELVSAAS: He was the watchman there
13 last winter for the equipment.

14

15 MS. PETRIVELLI: Oh, uh-huh.

16

17 MR. ELVSAAS: I suspect that makes him a
18 resident.

19

20 MS. PETRIVELLI: Uh-huh.

21

22 CHAIRMAN LOHSE: I don't know, Pat, correct
23 me if I'm wrong, what we're doing here is a C&T and.....

24

25 MS. PETRIVELLI: Uh-huh, they did ask for
26 opened season and no limits.

27

28 CHAIRMAN LOHSE: Right.

29

30 MS. PETRIVELLI: We decided to defer that
31 until the next proposal cycle because until a decision is
32 made about who the actual users are, then the analysis
33 could be done on season limits and methods.

34

35 CHAIRMAN LOHSE: I was just thinking that
36 even if the whole Kenai is declared rural and has
37 subsistence rights, they don't necessarily all have a C&T,
38 do they?

39

40 MS. PETRIVELLI: If this proposal passes,
41 they would.

42

43 CHAIRMAN LOHSE: Proposal 13.

44

45 MS. PETRIVELLI: Uh-huh. Or as the staff
46 recommended it.

47

48 CHAIRMAN LOHSE: Right.

49

00041

1 requested, they said all the residents of the Kenai
2 Peninsula District, but, of course, when Ninilchik proposed
3 it, I think, there were less rural residents.

4
5 CHAIRMAN LOHSE: Uh-huh.

6
7 MR. ELVSAAS: Mr. Chairman.

8
9 CHAIRMAN LOHSE: Fred.

10
11 MR. ELVSAAS: I'm a little confused here
12 now. Did I understand you to say that you're supporting it
13 for the resident of the borough?

14
15 MS. PETRIVELLI: Uh-huh.

16
17 MR. ELVSAAS: And the proposal is for the
18 residents of the Kenai Peninsula.

19
20 MS. PETRIVELLI: Well, one proposal was.
21 Ninilchik said the Kenai Peninsula and Steve Vanek said the
22 residents of the communities bordering Cook Inlet. And
23 when you combine the two you have the Kenai Peninsula
24 Borough.

25
26 MR. ELVSAAS: Okay.

27
28 MS. PETRIVELLI: Yeah.

29
30 MR. ELVSAAS: So, if approved, it will be
31 the Kenai Borough?

32
33 MS. PETRIVELLI: Yes.

34
35 MR. ELVSAAS: Okay, thank you.

36
37 MS. PETRIVELLI: Well, if approved as I
38 recommended the modification.

39
40 CHAIRMAN LOHSE: And that, then, includes
41 the west side of Cook Inlet?

42
43 MS. PETRIVELLI: Yes. Because people from
44 the Kenai Peninsula traveled to the west side to get
45 salmon, so.....

46
47 MR. ELVSAAS: I might add, I, for over 50
48 years, have done that very thing. My fish camp is on the
49 west side of Cook Inlet.

00042

1 MS. PETRIVELLI: Oh, uh-huh.

2

3 MR. ELVSAAS: So I don't know -- but a lot
4 of that happens, there's many fish camps on the west side
5 of Cook Inlet, other than Tuxedni Bay.

6

7 MS. PETRIVELLI: Uh-huh.

8

9 CHAIRMAN LOHSE: Okay, just one last
10 clarification. Then if Proposal 13, as modified, would be
11 accepted then it would apply to salmon only, in the borough
12 and it would delete the necessity for acting on Proposal 33
13 for salmon?

14

15 MS. PETRIVELLI: Yes, I think that's yes.

16

17 CHAIRMAN LOHSE: Because automatically the
18 person in 33 would be covered.....

19

20 MS. PETRIVELLI: With a C&T.

21

22 CHAIRMAN LOHSE:by Proposal 13.

23

24 MS. PETRIVELLI: Yeah.

25

26 CHAIRMAN LOHSE: Am I correct on that
27 analysis, Fred?

28

29 MR. ELVSAAS: Yeah.

30

31 MS. PETRIVELLI: Except for all the species
32 that the requesters -- all those other species would be
33 deferred.

34

35 CHAIRMAN LOHSE: Right.

36

37 MS. PETRIVELLI: Yeah.

38

39 CHAIRMAN LOHSE: So you're requesting,
40 basically, that we defer the other species until we can
41 gather more information on them?

42

43 MS. PETRIVELLI: Yes.

44

45 CHAIRMAN LOHSE: That's basically what the
46 staff is requesting.....

47

48 MS. PETRIVELLI: Yeah, uh-huh.

49

CHAIRMAN LOHSE:they're requesting

00043

1 that, at this point in time, all you were capable of doing
2 was getting information on salmon and that we should defer
3 action on the other species until we have information on
4 those species?

5

6 MS. PETRIVELLI: Uh-huh, because the salmon
7 is very well documented and there needs to be -- and we'd
8 welcome any input about use of other species.

9

10 MR. ELVSAAS: Just one more clarification.
11 In the southern component there are Federal waters.

12

13 MS. PETRIVELLI: Marine waters?

14

15 MR. ELVSAAS: It's not all State waters.

16

17 MS. PETRIVELLI: Oh.

18

19 MR. ELVSAAS: There are Federal waters
20 outside the 12-mile line and reaching up into Cook Inlet,
21 but none of is adjacent to the shoreline, it's all 12 miles
22 out and so forth, so when you look at other shellfish that
23 has to be considered. There is Federal waters.

24

25 MS. PETRIVELLI: Okay. Oh, for crab and
26 shrimp, yeah, okay.

27

28 CHAIRMAN LOHSE: And then this applies --
29 one more clarification, Pat. This applies to freshwater,
30 the salmon in freshwater or is this salmon in freshwater
31 and marine water?

32

33 MS. PETRIVELLI: The Federal jurisdiction
34 in on the map and where that map would be, the Federal
35 waters -- the map's on page 11 and whatever the gray areas
36 it's waters within the boundaries of the Fish and Wildlife
37 Service and the Forest Service, so any waters and rivers
38 that include -- that are in those boundaries. And then on
39 the west side, right -- it's all the waters within the
40 boundaries of the Park Service and that include Polly Creek
41 and Crescent River. And then the marine jurisdiction, the
42 only marine jurisdiction around Chisik Island -- well, the
43 next page and then the Tuxedni Bay. The Park Service
44 boundary -- well, they meet each other, the Fish and
45 Wildlife Service and the Park Service boundary, and there's
46 just a few little white areas where there's still State
47 water, but those shaded areas show the faded jurisdiction.

48

49 CHAIRMAN LOHSE: So basically this proposal

50 will, at this point in time, cover on the Kenai Peninsula

00044

1 freshwaters because that's the only waters that the Federal
2 government has?

3

4 MS. PETRIVELLI: Yeah, on the Kenai
5 Peninsula.

6

7 CHAIRMAN LOHSE: On the Kenai Peninsula.
8 On the other side of Cook Inlet it has freshwater and.....

9

10 MS. PETRIVELLI: That's small area barring
11 jurisdiction.

12

13 CHAIRMAN LOHSE: Huh.

14

15 MR. BOYD: If I may, Mr. Chair, I think Pat
16 has very ably and capably describe the jurisdictional
17 extent of where we can develop regulations. And I kind of
18 want to address one of Mr. Elvsaa's comments about Federal
19 water being further out in the marine area. ANILCA does
20 not extend to marine offshore area beyond the three-mile
21 limit. Okay, so we have no jurisdiction in those marine
22 waters beyond the three-mile limit. There are some areas
23 of -- sort of like around Chisik Island, as Pat has
24 described, where there are Federal reservations in marine
25 waters, but they're fairly limited, so I want to make that
26 point clear, so that you're not mislead by, you know, where
27 our jurisdiction applies.

28

29 CHAIRMAN LOHSE: And this is all over the
30 state?

31

32 MR. BOYD: That's correct.

33

34 CHAIRMAN LOHSE: And basically -- so
35 anything outside of three miles is outside of ANILCA's.....

36

37 MR. BOYD: Yeah, outside of the mandate.
38 And that pursuant to a -- and I'm a little feeble-minded
39 here, but to a Supreme Court decisions years ago that had
40 to with a question about ANILCA's application for Outer
41 Continental Shelf oil and gas drilling. So there is a
42 precedent there, we don't extend beyond the three-mile
43 limit. And even within that it's limited to those areas
44 where we had, for example, previous Federal withdrawals.

45

46 CHAIRMAN LOHSE: And there was -- because
47 the inside of three miles is recognized as State water.....

48

49 MR. BOYD: Right.

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1 CHAIRMAN LOHSE:except where you have
2 marine reservations.

3
4 MR. BOYD: It's the territorial state,
5 right.

6
7 CHAIRMAN LOHSE: Okay.

8
9 MR. BOYD: Okay. So, in this case, our
10 marine jurisdiction is primarily that area around Chisik
11 Island.

12
13 CHAIRMAN LOHSE: Well, now, wouldn't
14 it.....

15
16 MS. PETRIVELLI: And Tuxedni Bay.

17
18 MR. BOYD: And Tuxedni Bay.

19
20 CHAIRMAN LOHSE: It wouldn't even be the
21 tideland adjacent to the Park Service and Forest Service
22 there.

23
24 MR. BOYD: That's correct.

25
26 CHAIRMAN LOHSE: Because the tideland
27 becomes State?

28
29 MR. BOYD: That's correct.

30
31 CHAIRMAN LOHSE: Oh, okay. So the fact
32 that Federal land goes to the water doesn't extend the
33 jurisdiction passed the shore?

34
35 MR. BOYD: That's right.

36
37 CHAIRMAN LOHSE: Okay. Unless, like you
38 say, unless it's like a seal haul-out or a sea lion haul-
39 out or bird sanctuary or something that they have reserved
40 the waters around.

41
42 MR. BOYD: Yeah, and generally these
43 reservations occurred prior to statehood.....

44
45 CHAIRMAN LOHSE: Right.

46
47 MR. BOYD:so there's a very
48 complicated sort of history to all of this and we tried to
49 simplify it, but we don't full explain it at time.

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1 CHAIRMAN LOHSE: Yeah.

2

3 MR. BOYD: And I don't fully understand all
4 of it either.

5

6 CHAIRMAN LOHSE: Yeah, I think it's hard
7 for most of us to realize that if the Federal land goes to
8 the water the jurisdiction stops at the water's edge.

9

10 MR. BOYD: Essentially above what we call
11 mean high tide.

12

13 CHAIRMAN LOHSE: Mean high tide.

14

15 MR. BOYD: Yeah.

16

17 CHAIRMAN LOHSE: Mean high tide, right.
18 Thank you, Tom, that's a big clarification. So this --
19 other than the waters around Chi.....

20

21 MS. PETRIVELLI: Chisik Island.

22

23 CHAIRMAN LOHSE:Chisik Island.....

24

25 MS. PETRIVELLI: And then in Tuxedni Bay.

26

27 CHAIRMAN LOHSE:this basically
28 applies to freshwater?

29

30 MS. PETRIVELLI: Yes. Yes.

31

32 CHAIRMAN LOHSE: Okay.

33

34 MS. PETRIVELLI: And within Tuxedni Bay
35 there's some Park Service jurisdiction.

36

37 CHAIRMAN LOHSE: Yeah. Okay. Thank you
38 for that clarification, that's -- okay, with that we have
39 -- should we take the people who wish to testify first or
40 the public comments that we've received first? I think
41 we'll take the people who wish to testify and then have the
42 public comments.

43

44 So I have in front of me -- and if I miss somebody
45 that wants to testify on this one that put a blue slip in,
46 let me know, but I got James Showalter, Carol Daniel and
47 Marvin Peters, is there anybody else that had 13 down that
48 I'm missing?

49

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1 CHAIRMAN LOHSE: Okay, let's start with
2 James.

3
4 MR. SHOWALTER: Good morning again. My
5 name is James Showalter, Kenaitze Tribe Council member and
6 on C&T for the Kenaitzes, we have submitted a letter that
7 hopefully will be considered, but at this time it was late
8 in being submitted. It was on the usage of Federal lands
9 under the designation of rural for the Kenai Peninsula,
10 which include the Federal waters up in the Kasilof River,
11 Tustumena Lake, Skilak Lake, up the Russian River, down to
12 the boundaries of, I guess I'll have to call it the moose
13 range on the Kenai, Swanson Creek and the freshwater lakes
14 under the C&T that has been harvested for all your
15 freshwater trout and your salmon species, which include,
16 you know, during the winter when the river is opened in the
17 wintertime for your silver salmon, your late run, which I'm
18 sure there's a few of you knowledgeable that silvers do run
19 into -- under the ice late in the year. There's steelhead
20 up there which we have harvested by the dog sled load for
21 Kenai. And, as I indicated, freshwater trout.

22
23 And then along with that, as of now, we have the --
24 as you heard, some people have indicated the educational
25 net. That was awarded the Kenaitze Tribe through the Ninth
26 Circuit Court directing the State and the Tribe to come up
27 with some temporary solution. So under the solution it was
28 an educational net. And there probably may be negotiations
29 going on for that, but that's yet to be determined.

30
31 And here I am up here again, amongst other people,
32 tribal people from the state of Alaska saying and proving
33 C&T. Why do we, the tribal people of Alaska, have to prove
34 C&T? It should be the other way around, the Feds and State
35 prove that we did not have it, which would be a more fair
36 justification for it, instead of the tribal people of
37 Alaska having to prove it.

38
39 CHAIRMAN LOHSE: Any questions for James?

40
41 (No audible responses)

42
43 CHAIRMAN LOHSE: Thank you. Carol.

44
45 MS. DANIEL: Thank you, Mr. Chairman. I'll
46 be brief in my comments. The staff report supports a
47 positive C&T finding for salmon for residents of the Kenai
48 Peninsula and the Kenaitze Indian Tribe certainly supports
49 that. I would point out that on July 20th, the Kenaitze

50 Indian Tribe requested customary and traditional

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1 determination for the tribe as part of the Board's
2 determination under Proposal 13 because by the time the
3 Federal Board has made its determination on finding the
4 Kenai Peninsula rural, the time for submitting proposals
5 had expired.

6
7 The proposal that the Kenaitze requested was C&T
8 subsistence fishing determinations be made for the Kenaitze
9 Indian Tribe for all Federal waters for the five species of
10 salmon, hooligan, smelt, steelhead, rainbow, herring and
11 Dolly Varden. As you know, the Kenaitze Indian Tribe has
12 occupied the Kenai Peninsula for centuries, living a
13 subsistence way of life. They've testified before this
14 Regional Council on numerous occasion and described their
15 customs and traditions and their reliance on the fish and
16 game on the Kenai Peninsula. They -- salmon was and
17 remains today the most critical part of their diet.
18 Customary and traditional uses satisfy all of the eight
19 criteria as evidence, not only by the staff report, but I
20 would point out that in December of 1990, based primarily
21 on evidence submitted by the Kenaitze Indian Tribe, the
22 Alaska Board of Fisheries found customary and traditional
23 -- make customary and traditional use findings and
24 established a subsistence fishery on the Kenai Peninsula
25 for salmon, hooligan and smelt and that fishery operated in
26 1991, 1992 and 1993. Well, the 1992 subsistence law went
27 into effect and the court eventually threw -- the Superior
28 Court invalidated the 1992 non-subsistence use are in 1993,
29 so there was another period in '93 when the fishery
30 operated until the Supreme Court overthrew -- or validated
31 the non-subsistence use area. So there have been
32 subsistence fisheries under the State regulations in recent
33 time, and customary and traditional use findings for
34 salmon, hooligan and smelt under State regulations prior to
35 the staff report.

36
37 I would also recommend to you Clare Swan's 1981
38 subsistence report for the Kenaitze Indian Tribe that sets
39 forth, in some detail, their customs and traditions. Their
40 customs of sharing, the areas where they traditionally
41 fished, and addresses specifically many of the elements of
42 the eight criteria. In addition, in support of the Board's
43 customary and traditional use the Alaska Department of Fish
44 and Game recommendations in 1990, the State of Alaska had
45 James Fall prepare a report that's relied on in the staff
46 report and it also supports the customary and traditional
47 use findings for salmon, hooligan, smelt on the Kenai
48 Peninsula.

49

As pointed out in the staff report, there's

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1 historical and archaeological evidence that demonstrate
2 that the Dena'ina Indians fished Federal waters, in the
3 streams, lakes and rivers of the Kenai Peninsula for
4 centuries. I would point out that the Kenaitze are a
5 distinct enclave or subcommunity of the Kenai Peninsula,
6 although their members are dispersed throughout the
7 Peninsula, they've engaged in subsistence fishing for
8 salmon and other listed species throughout the tribe's long
9 history. And they can speak to that better, and have,
10 before numerous hearings before this Advisory Council.

11

12 One thing that I would ask in terms of a
13 modification in terms of modification to the staff's
14 recommendation is the staff is recommending that the
15 analysis for a Federal season, methods and limits be
16 deferred until the next regulatory cycle, which that means,
17 as I read it, there would be no subsistence fishing in any
18 of these communities, even the ones that are not subject to
19 the request for reconsideration until 2002, and I would
20 recommend that the Southcentral Regional Advisory Council
21 recommend that the Board take up the issue of regulations
22 for the 1991 [sic] season, immediately following its
23 decision the Request for Reconsideration and that
24 regulations be put in place for all rural residents on the
25 Kenai Peninsula prior to the '91 [sic] season.

26

27 There's a period of four months before the season
28 opens in May, between the decision on the Request for
29 Reconsideration and that item could be taken up as a
30 Special Action item. It's unfair to make people wait until
31 2002 to have as fishery when they're coming before the
32 Board now requesting C&T findings. So we would urge the
33 Council to recommend that the subject of the fishing season
34 for 2001 be taken up, either as a Special Action item or,
35 in some manner, after the Request for Reconsideration has
36 been decided.

37

38 That's all I have.

39

40 CHAIRMAN LOHSE: Thank you, Carol. Carol,
41 you did mean 2001, not 1991, didn't you?

42

43 MS. DANIEL: Oh, yes.

44

45 (Laughter)

46

47 CHAIRMAN LOHSE: One other question or just
48 a comment. You know, the proposal in front of us is to
49 look for C&T, there is no proposals for seasons or bag

50 limits or anything in front of us. What would have to go

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1 out is a call for proposals and those proposal have to go
2 through the whole public process and, you know, come before
3 the Councils and have public comment and everything on
4 them, which probably won't be done until after the C&T is
5 found, so your idea of them having seasons and bag limits
6 by 2001 is, from what I can see, basically an
7 impossibility, because there won't even be any calls for --
8 I mean, there won't even be any proposal out before the
9 Board until 2001.

10

11 MS. DANIEL: Well, there was a call for
12 proposals and Ninilchik submitted a proposal. Now,
13 admittedly, it's quite broad and would need to be narrowed,
14 but I think that certainly the proposal was no opened sea
15 -- I mean, opened seasons anytime.

16

17 CHAIRMAN LOHSE: Uh-huh.

18

19 MS. DANIEL: But I think that there would
20 be sufficient time for the Board to fashion something for
21 these people for the 2001 season, would be my
22 recommendation.

23

24 CHAIRMAN LOHSE: Thank you. Any other
25 questions for Carol?

26

27 (No audible responses)

28

29 CHAIRMAN LOHSE: Thank you, Carol.

30

31 MR. F. JOHN: Elijah Waters.

32

33 CHAIRMAN LOHSE: Oh, I guess I should look
34 at the name at the top of it. (Telephone message slip)
35 Elijah Waters. They won't let you alone even when you're
36 at another meeting. I was trying to figure out what I was
37 supposed to do from reading the bottom it and it didn't
38 make sense. I didn't realize it was for somebody else.

39

40 Okay. Marvin Peters.

41

42 Marvin, before you start, can I say
43 something?

44

45 MR. PETERS: Yes.

46

47 CHAIRMAN LOHSE: Now, what we need to do is
48 -- the question before us is, is it customary and
49 traditional for the residents of the Kenai Peninsula or

50 Ninilchik or the Kenaitzes to make use of salmon, trout, et

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1 cetera, et cetera, we're really not discussing what kind of
2 effect it has on seasons or bag limits or sportfishing or
3 anything like that. The question is, is it customary and
4 traditional for the residents in the Kenai Peninsula to
5 make use of these species? And that's what we need to
6 speak to.

7

8 MR. PETERS: Okay. That's probably part of
9 the reason I showed up is because that's not all that's in
10 the proposal. So as long as I'm sure that's all you're
11 going to act on, then I certainly only speak to that. But
12 there's something about there phrase "no closed season, no
13 limit" that really got my attention.

14

15 CHAIRMAN LOHSE: Yeah.

16

17 MR. PETERS: Okay. Eight factors for
18 determining customary and traditional use:

19

20 One, a long term consistent pattern of use,
21 excluding interruptions beyond the control of the community
22 or area. Certainly there has been a long term consistent
23 use of salmon on the Kenai Peninsula, but the problem comes
24 when you make a blanket customary and traditional finding
25 for all areas, for all salmon. There are, no doubt, signs
26 of salmon use on the Russian River, but I'd have to really
27 question that it was -- well, maybe Kachemak peoples
28 includes more than Kachemak Bay, I don't know. I'm not
29 sure what they're talking about, Kachemak. As far as
30 significant use by Kachemak Bay communities, I'm dubious.

31

32 And there are a lot of fisheries on the Peninsula
33 and around the Peninsula, they're all mixed-stock
34 fisheries, and the ones that are currently pursued now are
35 mixed-stock fisheries. They're all done in salt water.
36 And the reason for keeping them in salt water is because
37 some of the streams are short and when you start fishing
38 upstream you get into spawning areas. Even sport fisheries
39 on many of the Peninsula streams are restricted to the
40 first mile or two of the river. And it's possible, really,
41 to do serious damage fishing upstream, which is the area
42 that we're considering now. This is all an upstream
43 fishery, so I would really like to see this upstream
44 fishery restricted to people who actually did pursue an
45 upstream fishery customarily and traditionally, and I think
46 that's a real limited group. Probably the Kenaitze because
47 they're in the right area for it, but other than that, I
48 don't see much of it.

49

I mean, when you talk about excluding interruptions

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1 beyond the control of the community or area, I think that
2 if the Kachemak people used that area 1,000 years ago or
3 2,000 years ago, I think the quit using it long before
4 there were any interruptions beyond the control of the
5 community or area. I think they left because they found
6 greener pastures.

7
8 And then if we go to the contemporary period
9 they're talking about -- there are three basic groups here,
10 they're English Bay, Port Graham and Seldovia. English Bay
11 is Nanwalek. And English Bay and Nanwalek and Port Graham
12 are usually listed together because they're connected.
13 They're mostly all related to each other, the two villages
14 are closely related and they are linked by a small road.
15 And there's no road to the area, but there is a road
16 between the two villages and they're really not very far
17 apart and they definitely do go together. And many of the
18 Port Graham and Nanwalek people are also in Seldovia.
19 That's one group of subsistence users that I don't think
20 there's any question, they have customary and traditional
21 use dating back to as long as they've been there.

22
23 And then you have Ninilchik, Kasilof, Anchor Point,
24 Mat Valley, and then also I see mentioned in there
25 Nikolaevsk and Voznesenka. Nikolaevsk and Voznesenka are
26 communities of Russian Old Believers that have been there,
27 the longest I think, 33 years. And they do have a
28 customary and traditional use history, in fact, their's is
29 often upstream, not in Federal waters, in State waters and
30 usually at night. Anyway, that's another subject.

31
32 But they have -- in fact, I did -- I signed a thing
33 for -- there's a request -- Homer Fish and Game has wanted
34 to do a study on Fox River in regard to subsistence use and
35 I'm all in favor of the study, and I think many of us have
36 been telling them to study that and see where those fish
37 went, and we think they went to Voznesenka, which is not a
38 traditional Native community, it's been there 20 years.

39
40 Then you have the third group, Homer, Kenai,
41 Soldotna and Anchorage. And then also that would include
42 some of the Mat Valley people that are also long time
43 subsistence users of Kenai Peninsula fisheries. And when
44 you go to a core group of subsistence users in any of these
45 communities, if you really want to find the real core group
46 you could find more subsistence, genuine subsistence users
47 in Anchorage then you could in the rest of the Peninsula
48 and probably all of Southcentral. They have to travel
49 farther to do it, but they have a long time history of

50 customary and traditional use.

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1 We have all used fisheries, I have used fisheries.
2 I don't have any illusions about being a subsistence
3 fishermen, my main job is selling nets. And I see nets to
4 subsistence fishermen, I know the difference. I'm not one
5 and there are some in Kenai, there are certainly some on
6 the Peninsula, not the whole Peninsula, so what I'm asking
7 when you make a customary and traditional determination
8 restrict it to legitimate subsistence users.

9
10 One of the people on my committee told me that he
11 supports this proposal for two reasons. He supports
12 Proposal 13, one of the reason is that he feel that if
13 somebody from Ninilchik gets to fish, he should, too. You
14 know, he's a homesteader family, they've been there longer
15 than much of Ninilchik. I mean a lot of Ninilchik is an
16 old traditional village, but a lot of a Ninilchik is a
17 recent tourist trap and there are people that moved in
18 after I did and they're going for the same customary and
19 traditional use that Fred Elvsaas' family would enjoy, and
20 I don't think it's the right way to do it.

21
22 Anyway, my friend supports this proposal because he
23 not only wants the same rights as the other people in
24 Ninilchik, I think he sees is as a way to blow the whole
25 operation out of the water because it will dilute
26 legitimate subsistence use and mix it with modern pseudo-
27 subsistence use and weaken the whole system. He doesn't
28 like the system. When I asked him about why he supported
29 it, well, I basically have summed him up there, that's why,
30 he wants to get rid of the whole thing.

31
32 Port Graham, Nanwalek and Tyonek do have State
33 sponsored, State authorized subsistence fisheries now. So
34 if there is no subsistence season put in place for them for
35 the next year or so they will still be covered. The
36 Kenaitze have some availability now, not much, and that
37 probably is a problem and it might be something that could
38 be addressed, but as far as -- I would like to see the
39 whole thing deferred until there is a definite, final,
40 solid determination on who really is rural and who's not.
41 It's been awkward for my committee and for me to debate
42 this issue because we know that we -- we are more rural
43 than Anchorage, I mean we're 200 miles away, but -- and
44 we're probably more rural than Ninilchik, we have to drive
45 through Ninilchik if we want to go to a big store, we go
46 through Ninilchik and then drive another 40 minutes and
47 we're at Fred Meyer, which is, you know, the Fred Meyer
48 store is the size of several actually subsistence villages,
49 you could fit them all inside the thing.

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1 And it's not a rural store. I mean I -- it's --
2 you are well aware it's a complexed issue and it's hard for
3 me to argue against my rights to use a resource, but under
4 the law that we're dealing with, I don't think I have the
5 rights to that resource. I don't want the rights to that
6 resource as a subsistence users. I have -- I mean, I
7 bought a commercial salmon permit, it very likely -- I
8 heard a reference to subsistence permit, an increase,
9 around '77 when species were divided up for uses. They
10 were not really divided cleanly, I mean, when you're
11 fishing you don't just catch -- I mean, my fishery we're
12 targeting mainly sockeye, and if we could find some way to
13 catch only sockeye we would have a lot less trouble
14 sportfishing groups in Anchorage, but we occasionally catch
15 silvers and sometimes we catch kings. I almost never catch
16 kings, I don't think I caught one this year, but several --
17 you know, some silvers and some chums. So I'm catching
18 somebody else's fish, it's a mixed fishery. I'm catching
19 someone else's fish according to the 1977 Board of Fish
20 decision, but that has never stopped anybody from taking
21 some home.

22
23 I mean, if a commercial fisherman needs some
24 subsistence fish, he takes them home. Legally he can take
25 whatever he wants, as long he writes down on a fish ticket.
26 So the assumption that an increase in subsistence permits
27 came about because of this ruling is mistaken. I think if
28 there was an increase in subsistence permits from former
29 commercial fishermen it's because they sold their permits
30 and they were not fishing anymore. And if they were given
31 a right and then sold it -- I won't take that one any
32 farther.

33
34 A pattern of use consisting of methods and means of
35 harvest which are characterized by efficiency and economy
36 of effort and cost, conditioned by local characteristics.
37 In the area that we're talking about, efficiency and
38 economy of effort and costs would involve, I think, serious
39 damage to up river spawning areas. Salmon harvested -- I
40 noted here that rod and reel fishing is possible, but there
41 is no question that rod and reel snagging up river or
42 fishing up river by any means, damages spawning capability.

43
44
45 Number four, the consistent harvest and use of fish
46 and wildlife as related to past methods and means of taking
47 near or reasonably accessible from the community or area.
48 The area that we're discussing, the Upper Kenai and the
49 Kasilof Rivers -- well, any area in the state is near

50 enough for modern people to get there. I mean, I got here

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1 in 12 hours driving or whatever it was, so it's -- you
2 know, that's kind of a questionable one, but the -- the
3 most accessible -- the people with the most access to this
4 fishery would be the Kenaitze and the ones with the lease
5 would be the long-term recognized subsistence fishermen,
6 the English Bay, Port Graham, Seldovia, Tyonek.

7
8 And then there's a question of whether or not any
9 of these fishermen harvested fish in Federal waters is not
10 known at this time, but mostly not, some -- that's what
11 they say here in the staff report, but there was plenty of
12 harvest in State waters, but not much in Federal.

13
14 I also noted the chart showing the diversity of
15 fish and wildlife resource used and it, again, supported
16 what I said for at least five years, that Port Graham,
17 Nanwalek and Seldovia have a pattern of wide-ranging
18 subsistence uses. I know people in Seldovia that utilize
19 fish that I've never heard of before. And I sell nets to
20 people in various places that are catching fish that I
21 don't know about. My ad says, we sell nets from blackfish
22 to seasuk (ph). If anybody wants to know what a seasuk
23 (ph) is I'll tell you later, but it's not a fish.

24
25 And then in the -- in historical times, Brau -- I'm
26 not sure what study I'm quoting here. In historical times
27 harvest has occurred under subsistence, personal use,
28 commercial or sport allocations. And Braund noted that the
29 diversity of used ranges from little use of salmon to large
30 dependence. And most of these uses are still available.
31 There is still personal use, quite a bit of personal use.
32 There's commercial and definitely sport. Most people, even
33 in the rest of the currently rural area, are able to get
34 all the fish they need without separate seasons. I mean,
35 personal use is opened for about 25 to -- up to, depending
36 on how many people you have in your household, you can get
37 a lot of red salmon. Nobody is starving for a lack of
38 fish.

39
40 And that's, I think, is one difference between a
41 legitimate customary and traditional subsistence user of a
42 resource and someone who is not quite a customary and
43 traditional subsistence users. The real subsistence user
44 needs the resource and the other one does not. On the
45 Kenai Peninsula there are very few people who really need a
46 subsistence use of these fish.

47
48 CHAIRMAN LOHSE: Any questions for Marvin?

49

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1 CHAIRMAN LOHSE: Can I throw out a couple
2 of things, Marvin, just to get your comments on it?

3

4 MR. PETERS: Uh-huh.

5

6 CHAIRMAN LOHSE: The main reason I was
7 asking those question, you know, the Board has found long-
8 term does not necessarily mean historic. I mean we have --
9 just for an example, the Board has found customary and
10 traditional use on animals in Prince William Sound that
11 didn't even -- that weren't even there 50 years ago.

12

13 MR. PETERS: Right.

14

15 CHAIRMAN LOHSE: And so, consequently,
16 long-term does not necessarily mean historical, it came be
17 -- the communities, for how long the communities have been
18 there, they don't have long-term use.

19

20 MR. PETERS: Right.

21

22 CHAIRMAN LOHSE: Whether they're Ninilchik
23 or whether they're Homer.

24

25 MR. PETERS: Right. So, theoretically, I
26 could establish a hippie commune five miles from Homer and
27 immediately establish customary and traditional use because
28 that's what I need to live on to get enough fertilizer to
29 grow my pot plants.

30

31 CHAIRMAN LOHSE: And basically you were
32 saying -- this is a question that I had. You were saying
33 that not much of the fish harvest has been on Federal
34 waters then? Now, is that because of restrictions or is
35 that because of access or is that just because there aren't
36 just a real lot of fish on Federal waters?

37

38 MR. PETERS: Well, the spawning area is on
39 Federal waters. It's because of restrictions. Although
40 I'm not sure of that. I don't -- I think most of the
41 archaeological evidence of use is farther downstream, most
42 of the middens, I think, will be found next to a beach
43 someplace. There is certainly some upstream history, some
44 upstream use, but it's not like what's downstream. I mean
45 the villages were established in that area, mostly on the
46 beach and I think there's a reason for that, that's where
47 they could get their fish.

48

49 CHAIRMAN LOHSE: Anybody else? Fred, did

50 you have a question for him?

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1 MR. ELVSAAS: Yeah.

2

3 CHAIRMAN LOHSE: All right.

4

5 MR. ELVSAAS: As I understand from your
6 comments, you're saying you realize the historical use and
7 you don't object to some people on the Peninsula having
8 customary and traditional use, but not all people?

9

10 MR. PETERS: Right.

11

12 MR. ELVSAAS: And, you know, I have to
13 appreciate that, I can -- you know, in my lifetime on the
14 Peninsula seeing the influx of people coming in and that's
15 caused a disruption of the fishery of the people that have
16 been there and used the fishery and so forth. And then, of
17 course, there's also the big influx of the people changing
18 the types of fishery, into a sport fishery and so forth.

19

20 MR. PETERS: Uh-huh.

21

22 MR. ELVSAAS: And I'm a subsistence user,
23 I'm a commercial fisherman and all of these things are a
24 detriment to me on a personal level. So I can understand
25 what you're saying, but there's a real problem. How do you
26 get there? Would you favor comanagement agreements in
27 managing fisheries in the area with the State and the
28 tribes and the Feds?

29

30 MR. PETERS: Probably. It would depend on
31 how it was. The thing that scares me is I look in the
32 subsistence regulation book and I see one or two page that
33 covers all the fisheries on a huge area.

34

35 MR. ELVSAAS: I think, in time, and if we
36 all look at this in a real sense of all of these areas, and
37 it's not only in the Cook Inlet area, it's going to be all
38 over the state of Alaska, there's going to have to be some
39 realistic management of areas and districts and so forth.
40 And even in Cook Inlet you have the east and the west
41 sides, their far different from each other, yet they have
42 the customary and traditional use. So, you know, at some
43 point we're going to have to look at that, but before you
44 can do that you have to get started, and I view this as a
45 start. And I think that these issues are not over with
46 once we make a recommendation to the Board and if the Board
47 adopts it. I think we have to go further. There's issues
48 coming up later on the Copper River fisheries and I think
49 that that's going to take a lot of input from the people of

50 the area.

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1 MR. PETERS: Yeah.

2

3 MR. ELVSAAS: And I would hate to see Cook
4 Inlet declared a personal use fishery total, like, for the
5 state, like they have done for the Copper River, I think
6 that's a terrible situation. But, you know, in your
7 position, recognizing there is the customary and
8 traditional use, but not wanting it to be wide opened, I
9 guess, is the right way to say it. We have to look at what
10 is right and.....

11

12 MR. PETERS: Right.

13

14 MR. ELVSAAS: Because I would never want to
15 deny anybody the right to get food and I don't care what
16 the season is, people are entitled to eat. And if
17 somebody's willing to go out and get their own food, I say
18 more power to them. And that's basically the way I view
19 subsistence. But then there's a tremendous amount of
20 people that are here for a short time and so forth, a few
21 years and they're gone and I don't know how that fits into
22 the equation of how do we manage fisheries and game and so
23 forth, it's a tough one, but possibly comanagement is the
24 answer, but not initially. I don't think -- if you started
25 comanagement agreements all over Alaska right now, I would
26 see the biggest mess you ever had.

27

28 I think, first, you have to establish the things,
29 such as what we're trying to do, and address these issues
30 and I think some of these questions I have problems with
31 but, in turn, when you look at, say, well, the Kenaitzes
32 have this area, the Ninilchik people, Seldovia and more, we
33 have to keep in mind that people move around, so we can't
34 just say this area is set aside for somebody, that would be
35 going back to what the proposal by Mr. Kroll is, he wants a
36 specific area for himself and, you know, I just couldn't
37 support that. I think we have to look at the whole area.
38 The Cook Inlet area is an area, and in this case salmon and
39 the people have to be able to get it. I could not leave
40 Seldovia and go clear to Kenai every time I wanted to fish
41 for supper, that would be out of the question. So there
42 has to be some realistic way of doing this. And I would
43 just ask your support for customary and traditional thing
44 for the Peninsula, let's start there and go from there.

45

46 I'll get off my soap box now.

47

48 MR. PETERS: Yeah, well, that's just what
49 I'm saying, I don't see you going up to the Upper Kenai

50 River to get your dinner, and that's the area you're

00059

1 addressing here. You're addressing the Upper Kenai and
2 Kasilof and that's all on the Peninsula and it's -- all I'm
3 saying is customary and traditional should not be a blanket
4 application to the whole Peninsula because -- well, if you
5 look at the personal use dipnet fishery, I don't know how
6 many thousands of people take part in that, but a blanket
7 customary and traditional finding for anybody on the
8 Peninsula could put 10 or 15,000 people in the Upper Kenai
9 with dipnets or whatever you allow. Dipnets or gillnets or
10 anything. I mean I'll set a lot of gillnets and dipnets,
11 but I'll have business for a year or two, but eventually
12 it'll have an affect. And I'm just saying there are too
13 many people in this area to make a blanket customary and
14 traditional finding for the whole area. If you restrict it
15 to Fred Elvsaa, I'm all for it, even Hank Kroll, but not
16 the other 35,000, 40,000, 45,000 of us.

17

18 CHAIRMAN LOHSE: Marvin, just a question on
19 that. You know, the way we've handled in the past,
20 biological concerns are handled with regulations. Access
21 -- in the state access goes to everybody. Under ANILCA
22 access is limited to rural residents, Native and non-
23 Native.

24

25 MR. PETERS: Right.

26

27 CHAIRMAN LOHSE: And, consequently, we're
28 mixing two metaphors right here. We're mixing the
29 biological concerns with the access concerns. If you have
30 60,000 people with access to the Upper Kenai, which is what
31 you're talking, you're not going to have a wide-opened
32 dipnet fishery up there.

33

34 MR. PETERS: Not for long.

35

36 CHAIRMAN LOHSE: Well, you're not going to
37 have -- you can't have it, period.....

38

39 MR. PETERS: No.

40

41 CHAIRMAN LOHSE:because you have a
42 biological concern.

43

44 MR. PETERS: Yeah.

45

46 CHAIRMAN LOHSE: That's handled with
47 regulations, biological regulations. The question is can
48 you take -- under ANILCA, can you take rural residents and
49 divide them? Not until you get to an 804 situation.

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1 MR. PETERS: I guess the precedence I see
2 is if I'm considered a rural resident of the Kenai -- or
3 the Cook Inlet area or however -- I forget where your
4 boundaries are, Kenai Peninsula or Cook Inlet area, I'm not
5 considered a rural resident -- or I can't participate in a
6 fishery -- a subsistence at Noorvik or, you know, some
7 other area all together. And I notice in some of your
8 regulations for different areas certain villages are
9 spelled out, specified as being able to or not able to
10 participate in a certain fishery. And I'm assuming that
11 one reason that they may or may not be allowed to
12 participate in that fishery would be because of a specific
13 customary and traditional use finding.

14
15 And with that in mind I'd like to see the same
16 thing done to the Kenai Peninsula, and I really would
17 prefer to see it not even done until the Board has issued a
18 final decision in February or whenever it is. I realize
19 that you've been over this more times than I have, because
20 I wasn't -- the last time we had a hearing on the whole
21 Peninsula being designated rural, the impression I got is
22 it didn't have chance. I got that from whoever the Fed was
23 that was running the meeting in Homer. So I - I mean, I
24 testified then and said what I've said now, there are
25 certainly rural areas on the Peninsula, but mostly they're
26 not on the road system. Or if they are they're off in an
27 isolated corner, like perhaps Hope or somewhere.

28
29 Anyway, so we weren't involved in it, because we
30 didn't think it was going to affect us. Last -- when our
31 Fish and Game Advisory Committee met last this Peninsula-
32 wide rural designation had not been made and so we didn't
33 -- we talked a little bit about it, but we didn't take any
34 official action on it. I can speak pretty safely for my
35 committee because I've known them for 20 years mostly, and
36 I talked to those I could get ahold of before I came up
37 here. And there are some who are so discussed with the
38 whole concept of subsistence and all they won't even talk
39 about it, but not very many. Most of us recognize
40 subsistence as being valuable and here to stay and we don't
41 necessarily object to subsistence as a concept, we just
42 object to it as being a necessity in Homer and Soldotna and
43 some other larger communities.

44
45 CHAIRMAN LOHSE: Just a comment on that, I
46 think as the Kenaitzes pointed out in there -- and the
47 reason that it probably passed is there's a difference
48 between rural and isolated. A lot of times, in our minds,
49 we consider rural communities isolated communities, but

50 rural, as the Kenaitze presentation pointed out is a

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1 broader definition, it covers basically rural, as opposed
2 to urban and the -- evidently the Board felt that there was
3 more rural characteristics to the Kenai Peninsula than
4 there was urban characteristics.

5
6 MR. PETERS: Yeah.

7
8 CHAIRMAN LOHSE: Anyhow, with that.....

9
10 MR. PETERS: Thank you.

11
12 CHAIRMAN LOHSE: Thank you. Okay. And I
13 don't have any other people down here that asked to testify
14 on this, is there any other more blue slips?

15
16 MS. WILKINSON: (Shake head negatively)

17
18 CHAIRMAN LOHSE: I'm going to put my
19 glasses down so I can see over them, I'm sitting here
20 squinting. Okay, with that, can we have the written public
21 comments?

22
23 MS. WILKINSON: Do you want to take the
24 ADF&G comments first?

25
26 CHAIRMAN LOHSE: Yeah, that would be a good
27 idea.

28
29 MR. HAYNES: Mr. Chairman, my name is Terry
30 Haynes, I'm with the Alaska Department of Fish and Game.
31 I'd like to point out that you do have written comments
32 from the Department in your book. Those are comments on
33 the actual proposal, those are not comments that apply to
34 the staff analysis and the staff recommendation on these
35 proposals.

36
37 CHAIRMAN LOHSE: Uh-huh.

38
39 MR. HAYNES: This is a several step process
40 in reviewing and comment on proposals before the Board
41 meeting, so I want to make it clear the information you
42 have from the Department in your Council books, that is
43 information we provided in response to the proposal book
44 that came out.

45
46 CHAIRMAN LOHSE: To the entire proposal?

47
48 MR. HAYNES: The entire proposal. Since
49 then, we've had a chance to look at the draft staff

50 analyses and recommendations and what we can do today is

00062

1 provide very brief additional comments that bring you up to
2 date on how we view these proposals and the staff
3 recommendations.

4
5 In the case of Proposals 13 and 33, we do not
6 oppose what the staff is recommending, that is limiting the
7 focus of those proposals to salmon and then, as has been
8 discussed here today, deferring action on these proposals
9 until after the Board acts on the Request for
10 Reconsideration early next year.

11
12 So that's all we have to say on these two proposals
13 unless you have questions, and if you do, we can try to
14 answer those.

15
16 CHAIRMAN LOHSE: Terry, yeah, maybe I
17 misunderstood. I didn't understand that the staff was
18 asking that we defer -- they're just asking that we defer
19 on anything other than salmon, but that we do act on
20 salmon; is that right?

21
22 MR. HAYNES: That's correct, but ultimately
23 final action on the proposal, you know, would -- as I
24 understood earlier today, the final Board action on the
25 proposal.....

26
27 CHAIRMAN LOHSE: Uh-huh.

28
29 MR. HAYNES:might not occur
30 until.....

31
32 CHAIRMAN LOHSE: The Board itself action,
33 not Council action?

34
35 MR. HAYNES: Yeah. Well, the Council
36 should certainly go and act.....

37
38 CHAIRMAN LOHSE: Right.

39
40 MR. HAYNES:and make recommendations.

41
42 CHAIRMAN LOHSE: Okay. I thought there was
43 a couple of things that were interesting in your original
44 comments that I think are worth just bringing out, because
45 it kind of clarifies something that sometime we forget
46 about, the fact that this only applying to Federal waters.
47 And what Tom pointed out before, the fact that shellfish
48 takes place in State waters, basically, would leave
49 shellfish out of the -- he didn't point that out, he

50 pointed out that basically there is no Federal waters on

00063

1 the shoreline. And so shellfish as part of the original
2 proposal would not have been covered anyhow, wouldn't it,
3 Tom? Am I wrong?

4
5 MR. BOYD: I don't know where shellfish are
6 harvested out there. As I said earlier, there are some
7 limited marine waters within that three-mile band and that
8 focus is on that area around Chisik Island and Tuxedni Bay.

9
10 CHAIRMAN LOHSE: Uh-huh.

11
12 MR. BOYD: So I don't know if there's
13 shellfish harvesting over there or not, but there's
14 certainly some limited marine waters. So to the extent
15 that shellfish are harvested in those limited areas, I
16 guess, we could entertain proposals, at some point,
17 regarding shellfish.

18
19 CHAIRMAN LOHSE: Okay. I happened to
20 notice it in the Fish and Game and then in somebody else's
21 they said that they lack jurisdiction of shellfish, but
22 you're right there would be the possibility of shellfish in
23 a very limited area.

24
25 MR. BOYD: And, again, I'm presuming that
26 they harvest shellfish in those areas, I simply don't know
27 off the top of my head.

28
29 CHAIRMAN LOHSE: Yeah. Okay. Any other
30 questions for Terry?

31
32 MR. ELVSAAS: Mr. Chairman.

33
34 CHAIRMAN LOHSE: Fred.

35
36 MR. ELVSAAS: You know, I guess, it's kind
37 of a dilemma here in that we're addressing customary and
38 tradition for the -- now the Kenai Borough, I guess, rather
39 than the Kenai Peninsula. And the Request for
40 Reconsideration is on designating the Kenai Peninsula
41 rural, so do you really want to defer your comments until
42 after the Reconsideration? You know, because the issue is
43 customary and tradition now, today. You see what I'm
44 saying? And the Reconsideration is just rural status.

45
46 MR. HAYNES: Mr. Chairman. Yes, I
47 understand your question, Mr. Elvsaas. What we're saying
48 is that should the Board reverse its determination that the
49 Kenai Peninsula is a rural area then making customary and

50 traditional determinations would be a moot point.

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1 MR. ELVSAAS: I'm not so sure that's the
2 case, if it's customary and traditional you could still
3 have the activity.

4
5 MR. HAYNES: Mr. Chair, I would defer to
6 Federal staff to clarify how that all might transpire
7 should the Board take some different action on the rural
8 findings.

9
10 (Laughter)

11
12 CHAIRMAN LOHSE: Tom. I'm mean because you
13 could have customary and traditional and still not have a
14 fish net in. Tom, could you explain this to us, please?
15 Could you try to explain this to us, please?

16
17 MR. BOYD: I'll remember that, Terry.

18
19 (Laughter)

20
21 MR. BOYD: I'm not sure that I can. I'm a
22 little confused myself. I was trying to follow the
23 discussion and I didn't quite get every, but if you could
24 help clarify?

25
26 CHAIRMAN LOHSE: I think the question
27 before us is, if we find customary and traditional, as
28 according to this proposal, but the Board reconsiders and
29 finds the Kenai non-rural, what does that do to the -- I
30 think the customary and traditional would stay, but there
31 would be no preference because they would non-rural,
32 wouldn't it? What would happen, in other words?

33
34 MR. BOYD: Let me see if I can sort this
35 out. If you recommend as the Council consistent with the
36 staff analysis and recommendation, that's not a decision
37 that's just a recommendation and it goes to the Board. And
38 what the Board is saying is they are not going to deal with
39 this issue.....

40
41 CHAIRMAN LOHSE: Okay.

42
43 MR. BOYD:until after they settle the
44 rural question, the middle of February. So they're not
45 even going to take this up until after that, so that they
46 don't make a decision and then have to go back and reverse
47 it.

48
49 CHAIRMAN LOHSE: Okay.

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1 MR. BOYD: So I think that might help
2 clarify where this is going.

3
4 CHAIRMAN LOHSE: That helps clarify it a
5 lot.

6
7 MR. BOYD: Yeah. I mean I could play some
8 "what ifs" and I think it would confuse people more than it
9 would resolve the situation, but what the Board is going to
10 do is not going to confuse the situation, it's going to
11 sort of lay this out in an orderly process so that we don't
12 make decisions that then have to be revisited at a later
13 date.

14
15 Now, in saying that, clearly, we're going to have
16 to probably -- if the Board, and this is all presumption at
17 this point. If the Board were to, say, change its standing
18 on the rural question, and I don't know what that would be,
19 but it would be somewhat less than were we are now,
20 obviously, then I think we would probably want to come back
21 to this body, you the Council, with further discussion on
22 the customary and traditional use findings. We might be
23 more focused at that point and I think it would be prudent
24 to come back to you so that we could sort that out and then
25 move forward with those.

26
27 So this is -- I don't want to say it's complicated,
28 but I think we want to make sure we have an orderly process
29 and we don't miss any steps that would move us so hastily
30 that we make mistakes and don't make good decisions.

31
32 CHAIRMAN LOHSE: But, basically, where
33 we're at, at this point in time, as a Council is to take
34 the information that's before us and make a recommendation
35 based on that information as to whether or not we as a
36 Council recommend them as customary and traditional or not?

37
38 MR. BOYD: Absolutely. I mean, the
39 standing decision of the Board is all communities of the
40 Kenai are rural.

41
42 CHAIRMAN LOHSE: Yeah.

43
44 MR. BOYD: That's -- the decision was made
45 on May 4th. Now, they're reconsidering that, but in the
46 meantime, you know, they may stand right firm on that
47 decision, which means your recommendation today would be
48 consistent with that, so we're trying to play all the
49 angles here, I guess.

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1 CHAIRMAN LOHSE: But we have to make our
2 recommendation based on the information before us and the
3 current standing position, which is that the Kenai is
4 rural?

5
6 MR. BOYD: That's correct.

7
8 CHAIRMAN LOHSE: Okay.

9
10 MR. BOYD: Yeah.

11
12 CHAIRMAN LOHSE: Okay, thank you. Any
13 other questions for Terry now that we're all completely
14 confused?

15
16 (Laughter)

17
18 (No audible responses)

19
20 CHAIRMAN LOHSE: No, I think that does
21 clarify it. Basically what we have to do is decide with
22 the information that's before us based on the current rural
23 findings for the Kenai Peninsula.

24
25 Okay, with that we can go on to public comments,
26 written public comments.

27
28 MS. WILKINSON: Yes, Mr. Chairman, there
29 were several written comments received. I'll just
30 summarize those briefly.

31
32 The Seward Fish and Game Advisory Committee opposed
33 this proposal for three basic reasons. They felt that
34 there were already enough opportunities for gathering food
35 with the sportfish and personal use and bag limits. They
36 believe the proposal is premature as customary and
37 traditional determinations are not settled yet in that
38 area. There has been no documented need shown for this
39 change, they said.

40
41 A Mr. Speck Jones of Homer supports it. He
42 believes there needs to be use permitted on salmon, Dolly
43 Varden, trout, char, grayling and burbot, because these
44 species have been used for subsistence all over the state.
45 He said that you cannot restrict subsistence use until all
46 other uses, commercial and sport, are totally restricted.

47
48 The President of the Alaska Outdoor Council wrote
49 in opposition. He said that they are opposed to the

50 process and consideration of this issue, but their

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1 opposition stems from a grave concern that by allowing
2 60,000 subsistence users to utilize the resource without a
3 management plan it would destroy the resource.

4
5 The Chairman of the Cooper Landing Fish and Game
6 Advisory Committee, wrote in opposition. They said that
7 their major concern is the sustainable future of the
8 fisheries in the Kenai River watershed if 50,000 plus Kenai
9 Peninsula are allowed unlimited subsistence fishing.

10
11 The President of the Alaska Sportfishing
12 Association also wrote in opposition. He said that the
13 proposal is moot as to any management suggestion for
14 sustained yield of both resident and anadromous species
15 and felt that the resident species, meaning trout, char,
16 grayling and burbot, are too sensitive to the fishing
17 pressure and would survive the all-out assault that this
18 proposal would allow.

19
20 The Executive Director of United Fishermen of
21 Alaska also wrote in opposition stating that the Federal
22 Board lacks jurisdiction for shellfish and that they do not
23 concur with the proposal for unlimited fish and shellfish
24 harvest.

25
26 That's the summary of what we have received.

27
28 CHAIRMAN LOHSE: Thank you, Ann. At this
29 time a motion to accept Proposal 13 is in order so that we
30 can open it for discussion.

31
32 MR. F. JOHN: Are we going do the same --
33 both of them or just one?

34
35 CHAIRMAN LOHSE: If we act on 13 we won't
36 need to act on 33, so.....

37
38 MR. ELVSAAS: Just 13.

39
40 CHAIRMAN LOHSE: Yeah, let's put 13 on the
41 table, first.

42
43 MR. ELVSAAS: I would move for the adoption
44 of Proposal 13.

45
46 CHAIRMAN LOHSE: Do I hear.....

47
48 MR. F. JOHN: I second that.

49

CHAIRMAN LOHSE: It's been moved and

00068

1 seconded to adopt Proposal 13. Are there any proposals to
2 amend or change the proposal as written or are we going to
3 look at the proposal as it was originally written?

4
5 MR. ELVSAAS: Mr. Chairman, I believe --
6 and my motion was addressed as modified by the staff.

7
8 CHAIRMAN LOHSE: As modified by the staff,
9 okay. Is that in concurrence of the second?

10
11 MR. ELVSAAS: Which means salmon only.

12
13 MR. F. JOHN: Yeah.

14
15 CHAIRMAN LOHSE: Okay. So the proposal
16 that we're looking at is Proposal 13 as modified by the
17 staff to address salmon only on the Kenai Peninsula
18 Borough, right?

19
20 MR. ELVSAAS: Yes.

21
22 CHAIRMAN LOHSE: Okay. With that in mind,
23 we'll keep our -- and this is strictly for C&T finding.

24
25 MR. ELVSAAS: Right.

26
27 CHAIRMAN LOHSE: Okay. So let me get this
28 straight. What we're looking at is Proposal 13, modified
29 for C&T for salmon by the residents of the Kenai Borough in
30 Federal waters, right?

31
32 MR. ELVSAAS: That's right.

33
34 CHAIRMAN LOHSE: Okay. Ann, is that the
35 same feeling you had for the staff's modification, is that
36 basically what the staff is suggesting?

37
38 MS. WILKINSON: Yes.

39
40 CHAIRMAN LOHSE: Okay, with that in mind,
41 discussion. Fred, would you like to start?

42
43 MR. ELVSAAS: I would just like to make a
44 comment. After the discussions here and so forth, if this
45 C&T proposal is adopted and then the Board was to reverse
46 the rural status for the Kenai Peninsula, we then are in a
47 situation where by adopting Proposal 13 we're, in fact, put
48 Proposal 33 in effect, because that is Federal waters in
49 the Tuxedni Bay area. The proposal right now is for all of

50 the Kenai Borough area and it could be a left-handed way of

00069

1 approving Proposal 33. But, you know, we just -- I just
2 wanted to make that comment in looking at this, because the
3 reconsideration move is for the Kenai Peninsula, where this
4 is for the Kenai Borough. But that doesn't change anything
5 as to our actions here, it's just a comment.

6

7 CHAIRMAN LOHSE: Yeah. I don't see any
8 problem with it, but maybe I'm missing something.

9

10 MR. ELVSAAS: No, there's no problem with
11 it.

12

13 CHAIRMAN LOHSE: Oh, okay. Okay. Anybody
14 else have any comments or discussion on Proposal 13 as
15 modified?

16

17 MR. F. JOHN: I'd like to make a comment.
18 One of the opposition, I think Outdoor Council, said
19 there's, you know, 60,000 people in Kenai and they'll
20 probably run all the fishes -- subsistence fishermen in
21 Kenai will probably ruin everything down there, one of the
22 comment. But they supported 270,000 Alaska fishing on the
23 Copper River, you know, as subsistence fishermen, so I
24 can't figure out what they're really talking about, I'm
25 sorry. So I'll support this.

26

27 MR. DEMENTI: I'm with Fred. I mean, I
28 couldn't understand that either.

29

30 CHAIRMAN LOHSE: Well, my comment is
31 basically this is what we're looking at, if all we're all
32 looking at is C&T, which is have the people of the Kenai
33 Peninsula used salmon in Federal waters on the Kenai? And
34 we're not looking at individual people, we're looking at
35 them as a group, I'd have to say yes. The thing is when it
36 comes to the biological concerns I think it's going to be
37 necessary to formulate regulations very carefully because
38 it is a very small area and could be impacted by a very
39 large group of people.

40

41 MR. F. JOHN: 60,000.

42

43 CHAIRMAN LOHSE: Yeah, 60,000, yeah. And
44 at that point in time I think we're going to have to be
45 very careful what we look at.

46

47 So if there's no other discussion or if there is
48 any other discussion?

49

MR. BOYD: Mr. Chair.

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1 CHAIRMAN LOHSE: Tom.

2

3 MR. BOYD: I want to clarify a point here,
4 just so no one is mislead. I don't know where the number
5 60,000 came into play, but as I have reviewed the
6 documentation for the rural determination analysis that the
7 Board reviewed last May, when I was looking at it the
8 number was closer to 50,000 and it was less than that, so
9 it was somewhere between 49 -- around 49,000, so I don't
10 want you to be mislead by that number. It probably came in
11 in some testimony, but it's not.....

12

13 CHAIRMAN LOHSE: So they're probably
14 counting.....

15

16 MR. BOYD: It's still a large number of
17 people, but it's not out.....

18

19 CHAIRMAN LOHSE: Well, they're probably
20 counting the possible increase after the census.

21

22 MR. BOYD: Yeah.

23

24 CHAIRMAN LOHSE: But, yeah. But basically
25 what we're talking is a large group of people on a very
26 small area and so regulations are going to have to be
27 formulated very carefully.

28

29 MR. BOYD: I didn't want this to turn into
30 a fish story, getting bigger.

31

32 CHAIRMAN LOHSE: Well, you're dealing with
33 fishermen.

34

35 (Laughter)

36

37 CHAIRMAN LOHSE: On both sides. Okay, with
38 that, do we have any other discussion?

39

40 (No audible responses)

41

42 MR. F. JOHN: I call for the question.

43

44 CHAIRMAN LOHSE: Call for the question.
45 Okay. And I think I'm supposed to restate the motion.
46 Ann, could you restate the motion as you have it down?

47

48 MS. WILKINSON: Okay. The motion was to
49 find a C&T finding for salmon for residents of Kenai

50 Peninsula Borough in Federal waters.

00071

1 CHAIRMAN LOHSE: Okay. Is that the motion
2 as.....

3
4 MR. ELVSAAS: Yeah.

5
6 CHAIRMAN LOHSE: Okay. Question's been
7 called for.

8
9 MR. DEMENTI: Is that five species of
10 salmon?

11
12 MS. WILKINSON: It wasn't stated.

13
14 MR. ELVSAAS: Just salmon.

15
16 CHAIRMAN LOHSE: It just said salmon.

17
18 MR. DEMENTI: Okay.

19
20 CHAIRMAN LOHSE: Do we feel like we need to
21 put five species in there?

22
23 MR. DEMENTI: I think salmon.

24
25 CHAIRMAN LOHSE: I think salmon is an
26 inclusive term.

27
28 MS. WILKINSON: Right.

29
30 CHAIRMAN LOHSE: Okay. I'll say that. We
31 think of salmon as an inclusive term, so that we have that
32 down.

33
34 Okay, the question's been called, all in favor
35 signify by saying aye.

36
37 IN UNISON: Aye.

38
39 CHAIRMAN LOHSE: All opposed signify by
40 saying nay.

41
42 (No opposing responses)

43
44 CHAIRMAN LOHSE: Motion carries.

45
46 Okay, now we go on to Proposal 14. Well, let's
47 deal with Proposal 33 since it's part of this block right
48 here. We've got a number of things we can do with 33, we
49 can take no action, we can defer it or we can make a motion

50 to accept it.

00072

1 MR. F. JOHN: I make a motion we defer 33.

2

3 CHAIRMAN LOHSE: Defer means we need to
4 handle it again, so.....

5

6 MR. DEMENTI: Second.

7

8 CHAIRMAN LOHSE: It's been moved and
9 seconded that we defer action on Proposal 33. Discussion?
10 I'll offer some discussion. If we defer then it stays on
11 the agenda and can come up again in the future. If we take
12 no action, it dies.

13

14 MR. DEMENTI: It dies.

15

16 MS. PETRIVELLI: We were going to deal with
17 shellfish later, the shellfish aspect.

18

19 CHAIRMAN LOHSE: Yeah.

20

21 MR. ELVSAAS: What she say?

22

23 MR. F. JOHN: I'd like to say that 33 it's
24 this Tuxendi Bay, or whatever you call it, I don't know if
25 anybody live there, who live there. I'm not in a position
26 to make a decision.

27

28 CHAIRMAN LOHSE: Fred.

29

30 MR. ELVSAAS: I didn't get her comment.

31

32 CHAIRMAN LOHSE: We're going to have to
33 deal with shellfish later.

34

35 MR. ELVSAAS: Oh, yeah.

36

37 CHAIRMAN LOHSE: And shellfish is part of
38 Proposal 33, so that's why we can defer. Okay? Any other
39 comments?

40

41 (No audible responses)

42

43 CHAIRMAN LOHSE: Question is in order.

44

45 MR. F. JOHN: Question.

46

47 CHAIRMAN LOHSE: Question's been called to
48 defer action on 33 until we get a report on shellfish at a
49 future time. All in favor?

00073

1 IN UNISON: Aye.

2

3 CHAIRMAN LOHSE: All opposed signify by
4 saying nay.

5

6 (No opposing responses)

7

8 CHAIRMAN LOHSE: Motion carries. So 33 is
9 deferred. Now we go on to Proposal 14 through 20, these
10 are proposals dealing with the Copper River.

11

12 MR. DEMENTI: Are we going to deal with
13 these all at the same time?

14

15 CHAIRMAN LOHSE: No, I don't think we can
16 deal with all of these at once, I think we have take these
17 individually. I'm just trying to find -- okay, in front of
18 me, I have for people who wish to address on these issues,
19 Faye Ewan, Sue Aspelund, Donald Johns, Gloria Stickwan and
20 Sherry Wright. If I missed anybody, let me know.

21

22 MR. DEMENTI: Mr. Chair.....

23

24 CHAIRMAN LOHSE: George is going to.....

25

26 MR. DEMENTI:lunchtime.

27

28 CHAIRMAN LOHSE: Huh?

29

30 MR. DEMENTI: Everybody's going to lunch, I
31 think.

32

33 CHAIRMAN LOHSE: Everybody's going to
34 lunch. I think you're right. I thought that was going on
35 11:00 o'clock, not 12:00 o'clock. Do we want to hear the
36 introduction and then go to lunch or shall we go to lunch
37 and then hear the introduction? What's the wish of the
38 Council?

39

40 MR. DEMENTI: Where's lunch, wherever you
41 go?

42

43 CHAIRMAN LOHSE: The lunch here is going to
44 be ready at 12:30, isn't it?

45

46 MR. F. JOHN: I'll ask them. I'll be right
47 back.

48

49 CHAIRMAN LOHSE: If the lunch is going to

50 be ready at 12:30 we'll go on with the introduction, if the

00074

1 lunch is going to be ready at 12, we'll take a recess.

2

3 (At ease)

4

5 CHAIRMAN LOHSE: They're ready?

6

7 MR. F. JOHN: Yeah.

8

9 CHAIRMAN LOHSE: Okay. In that case let's
10 adjourn, if it's the wish of the rest of the Council, let's
11 adjourn for lunch. Let's recess for lunch. Huh?

12

13 MR. F. JOHN: Eat here or Mentasta Lodge.

14

15 CHAIRMAN LOHSE: And you can either eat
16 here or at Mentasta Lodge. And we will -- because people
17 have to go someplace, shall we give them an hour and a
18 half? We'll convene at 1:30, right at 1:30.

19

20 MR. F. JOHN: Oh, they're not ready,
21 they're not ready until 12:30.

22

23 CHAIRMAN LOHSE: Okay. Whoa. Due to the
24 fact that they're not ready, we're going to have another
25 half an hour of meeting, so everybody sit back down. And
26 we will let George introduce these 14 through 20.

27

28 MR. SHERROD: Well, I'm not going to do
29 that many, I'm just going to do 14.

30

31 CHAIRMAN LOHSE: Number 14, okay.

32

33 MR. SHERROD: Proposal 14 was submitted by
34 Joe Gale and it requested subsistence fishing in the Copper
35 River be restricted to the Copper River estuary and that
36 the fishing only occur during commercial fishing openings
37 as regulated by the State of Alaska. Mr. Gale provided the
38 following justification for this requested change, being
39 that it would improve regulatory enforcement, deliver a
40 better fisheries product, allow salmon entering the river
41 to return to the spawning areas unmolested and provide for
42 improved management of the Copper River salmon resource.

43

44 If adopted this proposal would negate or nullify
45 any actions on Proposal 15, 16, 17, 18, 19 and 20. So if
46 you want to get out of here fast.

47

48 CHAIRMAN LOHSE: We'd never get out of
49 here.

00075

1 (Laughter)

2

3 MR. SHERROD: I provided, basically, the
4 background information. I think we can sort of pretty much
5 cut to the chase on this. And if we flip to page 50,
6 there's a section on the bottom called the potential
7 effects of adopting this proposal. Needless to say,
8 adopting this proposal would cause considerable hardship on
9 the subsistence fishermen of the Copper River basin without
10 any significant justification based on biology. It would
11 displace or force the movement of all fishing camps down
12 through the estuaries, it would potentially place between
13 500 and 1,000 subsistence gillnets fishing estuary portions
14 of the Copper River during commercial openings. And it
15 would eliminate the Glennallen Subdistrict fishery and it
16 would also eliminate the court ordered fishery at
17 Batzulnetas.

18

19 The preliminary conclusions is to oppose Proposal
20 14. The justification is without question adopting the
21 regulatory change proposed in Proposal 14 would restrict or
22 eliminate the up river subsistence fishery, including the
23 Federal court ordered Batzulnetas fishery. The action
24 would precede any restriction of non-subsistence or State
25 dipnet subsistence harvest of Copper River salmon.

26

27 And I'll entertain questions or go into detail.

28

29 CHAIRMAN LOHSE: Does anybody have any
30 questions for George? We may be able to handle this one
31 before lunch.

32

33 MR. F. JOHN: No questions.

34

35 CHAIRMAN LOHSE: No questions for George.
36 Do we have ADF&G comments on this one?

37

38 MR. HAYNES: Mr. Chairman, the Department
39 supports the staff recommendation to not adopt this
40 proposal.

41

42 CHAIRMAN LOHSE: Okay. George, did you
43 give us that recommendation?

44

45 MR. SHERROD: Yeah.

46

47 CHAIRMAN LOHSE: Or did I cut you off ahead
48 of time?

49

MR. SHERROD: No, I gave you the

00076

1 recommendation to oppose it.

2

3 CHAIRMAN LOHSE: Do we have public
4 comments? I see none written here, do we have any other
5 public comments?

6

7 MS. WILKINSON: Yes, we recently received a
8 comment from Copper River/Prince William Sound Advisory
9 Committee in opposition to this proposal. And I'll just
10 summarize what they said. They said it would needlessly
11 and unreasonably eliminate subsistence opportunity along
12 the Upper Copper River. The existing and proposed C&T
13 findings well document the long history and established
14 tradition of these uses.

15

16 CHAIRMAN LOHSE: And that's the summary of
17 our written comments?

18

19 MS. WILKINSON: Uh-huh.

20

21 CHAIRMAN LOHSE: A motion to accept this
22 proposal is in order so that we can discuss it.

23

24 MR. F. JOHN: I make a motion.

25

26 CHAIRMAN LOHSE: It's been moved that we
27 accept Proposal 14, do I hear a second?

28

29 MR. ELVSAAS: I'll second that.

30

31 CHAIRMAN LOHSE: It's been moved and
32 seconded that we adopt Proposal 14. Discussion?

33

34 MR. ELVSAAS: I need a question. If you
35 move the motion, do you have to support it?

36

37 CHAIRMAN LOHSE: No.

38

39 MR. ELVSAAS: Okay, no.

40

41 CHAIRMAN LOHSE: No, you're bringing it to
42 the table for discussion.

43

44 MR. ELVSAAS: Okay.

45

46 CHAIRMAN LOHSE: Discussion?

47

48 MR. ELVSAAS: I have no discussion.

49

MR. DEMENTI: I don't have none either.

00077

1 MR. F. JOHN: I'm going to oppose this.

2

3 CHAIRMAN LOHSE: Yeah. Well, I'll just
4 basically echo with the Copper River/Prince William Sound
5 Advisory Committee said, that there's no justification for
6 it, that it would needlessly eliminate a fishery that we
7 have found C&T for and I'll let it go at that and say I'm
8 voting against it.

9

10 MR. F. JOHN: Question.

11

12 CHAIRMAN LOHSE: Question's been called.
13 All in favor of Proposal 14 signify by saying aye.

14

15 (No favorable responses)

16

17 CHAIRMAN LOHSE: All opposed signify by
18 saying nay.

19

20 IN UNISON: Nay.

21

22 CHAIRMAN LOHSE: Motion carries. Motion
23 fails.

24

25 (Laughter)

26

27 CHAIRMAN LOHSE: Motion fails. Okay.
28 George, do you want to give us the introduction to the next
29 one since.....

30

31 MR. SHERROD: No.

32

33 CHAIRMAN LOHSE: You don't want.....

34

35 MR. SHERROD: You'll see me again on 19 and
36 20, but we're going to play tag-team here.

37

38 CHAIRMAN LOHSE: Oh, okay. Proposal 15.

39

40 MS. PETRIVELLI: Proposal 15 was submitted
41 by the Copper River Native Association and requested
42 customary and traditional use of salmon for the Chitina
43 Subdistrict. And the analysis, like on 13, was expanded to
44 match the C&T for, like, Glennallen, so for the Prince
45 William Sound Management Area, so that's what the analysis
46 considered, all the communities that reside in the Prince
47 William Sound Management Area.

48

49 The current regulation had no Federal season and --

50 or no Federal C&T. And under State regulation it was a

00078

1 personal use subdistrict until -- or personal use fishery
2 until last year when the Board of Fish found it to be a
3 subsistence fishery.

4
5 And so the communities involved are all the Prince
6 William Sound Management Area and then the boundaries of
7 the Chitina Subdistrict are in the maps, either in -- or
8 the clearest one is on page 62, it shows exactly where the
9 subdistrict is and it's the Copper River north of Haley
10 Creek and south of the juncture with the Chitina River.

11
12 And in looking at the eight factors there has been
13 a long-term use of salmon in the Chitina Subdistrict and
14 then much like the Kenai Peninsula, it has undergone a lot
15 of regulations that have affected the used and those are
16 summarized on page 64. And I -- Bill Simeone and James
17 Fall wrote a report in 1996 discussing the historic use of
18 salmon in the Copper River basin and I used a lot of their
19 information.

20
21 On page 64 the main things that affected the Copper
22 River -- or the Chitina Subdistrict is that the tributaries
23 were closed in 1964 and so that it limited fishing to the
24 Copper River main stem and in 1979 Chitina became dipnet
25 only and Glennallen Subdistrict became fishwheel only.
26 There was a period between '84 and '89 where the boundaries
27 of the Chitina Subdistrict moved back and forth and there
28 were some fishwheel use allowed in the subdistrict, but
29 certainly by 1990 the boundaries were set like they are
30 today and Chitina has been a dipnet fishery only. So dip
31 -- for certain dipnet fishery has occurred since
32 archaeological records evidence from a thousand years ago
33 and fishwheel use stopped in 1990.

34
35 On page 65 there's just data from subsistence
36 permits and that shows fishwheel and dipnet use and, of
37 course, at some times Chitina has been classified as a
38 subsistence area, but that would be in certain periods in
39 that chart, but definitely it's been personal use only
40 since 19 -- it became a personal use fishery since 1990, I
41 think. But the data shows the number of people that use
42 fishwheels and dipnets.

43
44 And in the Chitina District itself, the Copper
45 River basins -- well, that chart shows the Copper River
46 residents who are mainly the Prince William Sound residents
47 that would have used the area. And then for the Chitina
48 Subdistrict itself, the number of permittees that are
49 residents of the -- were residents of the Copper River

50 basin is on page 66 and it shows that less than one percent

00079

1 are Copper basin residents. And that's mainly because of
2 the high number of permits issued there. There's 7,000
3 permits of which only 54 are Copper River basin residents.
4 And mainly Copper River basin residents use fishwheels and
5 so they chose to use Glennallen and also it's a crowded
6 fishery since that's such small area of the river and with
7 7,000 permittees able to use it, I think that they prefer
8 to -- there's a bigger -- the Glennallen Subdistrict has
9 more space.

10

11 The pattern of use, of course, is they fished for
12 salmon when there was salmon in the river and the seasons
13 usually went from -- the regulatory season usually went
14 from June 1st to some -- the fall. And then the methods
15 and means is mentioned, had been fishwheels and dipnets.
16 And then the specific use of the Chitina Subdistrict is in
17 Section 4 on 68, the data that shows -- well, besides the
18 permittees, the permit holders on page 67 shows a history
19 of the people by the Prince William Sound communities and
20 the permits they got in Chitina Subdistrict and Glennallen.

21

22 And then on 68 in Section 4 it shows that in 1921
23 there were 76 fishwheel operators, in 1955 they only
24 reports from three. And then in 1958 they only had reports
25 from four, so that's not really that there were only four
26 operators, it's just that they got reports from. And, of
27 course, historically the actual use of salmon has decreased
28 from 5,000 a year for a household down to the average
29 permit data use of 79 salmon, which has a number of
30 different reasons.

31

32 And so factors that may have been was decreased
33 access to sites, decreased used of dog teams, increased
34 restriction on gear types and increasing numbers from non-
35 local areas. And, of course, the way people handled salmon
36 was -- and preserving it was drying, smoking, boiling,
37 mixing with berries and fermenting, and those were
38 traditional uses, and current methods are pretty much the
39 same, but include freezing and vacuum packing.

40

41 And in Section 6, 7 and 8, which was handing down
42 from generation to generation and sharing and resources, I
43 basically relied upon Rachel Mason's past customary and
44 traditional determinations which she used for the area in
45 making determinations for other species, so -- because she
46 presented a thorough discussion of patterns or resource
47 sharing and the use and just the diversity of uses, so it
48 was well documented in the record.

49

And, of course the summary said -- was -- I did a

00080

1 modification because the original proposal was just to the
2 eight communities and, of course, the eight named
3 communities were -- that were requested -- the use was
4 requested for Chitina, Cantwell, Chistochina, Copper
5 Center, Gakona, Glennallen, Mentasta and Tazlina and I
6 expanded it to all the communities of the Prince William
7 Sound area, which are listed in the table there, which
8 currently have customary and traditional use determination
9 for the Glennallen Subdistrict. But those are listed on
10 page 60.

11

12 Oh, with the addition of -- well, I guess not.
13 Yeah, because I think Tok is in -- but -- also some of
14 these communities are also resident zone communities of the
15 park, but I don't think that really -- since the Copper
16 River is on the boundary of the park a person doesn't need
17 to be a resident -- in a resident zoned community to
18 subsistence fish in the river.

19

20 And I just realized I included Chisana in here.
21 Oh, Chisana and Tok and they're not part of the Prince
22 William Sound Area, are they? So I guess it would be the
23 residents of the Prince William Sound area plus Chisana and
24 Tok.

25

26 I apologize. It was originally -- I originally
27 wrote the proposal just for the resident zoned communities
28 of the Wrangell-St. Elias Park, and then we realized that
29 that wasn't necessary and then we thought just to make it
30 consistent and less confusing for the users to make it the
31 residents of Prince William Sound Community. But the
32 analysis includes Tok and Chisana because they're resident
33 zoned communities. So it's those communities are also
34 included and should have been part of the recommendation,
35 it just.....

36

37 CHAIRMAN LOHSE: Pat.....

38

39 MS. PETRIVELLI: Uh-huh.

40

41 CHAIRMAN LOHSE:can I ask you a
42 question?

43

44 MS. PETRIVELLI: And Cantwell.

45

46 CHAIRMAN LOHSE: If I understand right,
47 this proposal basically is dealing with only that section
48 of the Copper River between Chitina and.....

49

00081

1 CHAIRMAN LOHSE:Haley Creek.

2

3 MS. PETRIVELLI: Uh-huh.

4

5 CHAIRMAN LOHSE: Can I ask why it was
6 thought necessary to include the residents of Prince
7 William Sound in this?

8

9 MS. PETRIVELLI: To make it consistent with
10 the Glennallen Subdistrict, because the Glennallen
11 Subdistrict has customary and traditional use of salmon for
12 that area. And then when.....

13

14 CHAIRMAN LOHSE: And the Glennallen
15 Subdistrict includes.....

16

17 MS. PETRIVELLI: All the residents.

18

19 CHAIRMAN LOHSE:Cordova, Chitina,
20 Chenega?

21

22 MS. PETRIVELLI: Uh-huh. And then there is
23 data regarding the permits that those communities have
24 gotten.

25

26 CHAIRMAN LOHSE: Those communities have
27 taken part in the Glennallen Subdistrict then?

28

29 MS. PETRIVELLI: Well, in the Chitina -- or
30 Tatitlek -- actually in two years -- and, of course, the
31 reliance upon permit data is, you know, it's the only
32 record we have but on page 67 shows the permits issues and
33 this is only from 1988 to 1998, so at the Cordova, Tatitlek
34 -- oh, the one community that's not on there is Chenega and
35 Chenega has not -- did not apply for or receive a permit in
36 that area. And it could be just -- but that was the only
37 one that didn't.

38

39 CHAIRMAN LOHSE: Uh-huh. Yeah, I was just
40 wondering why it included those because that was an Upper
41 Copper River area.

42

43 Okay, any questions for Pat from the Council?

44

45 MR. ELVSAAS: Mr. Chairman.

46

47 CHAIRMAN LOHSE: Now, what -- okay, we'll
48 probably get to that analysis when we talk to Terry.

49

00082

1 MR. ELVSAAS: Just one question. Why was
2 it closed, why wasn't it opened?

3
4 CHAIRMAN LOHSE: Well, if you read though
5 the thing right here, basically the State ended up getting
6 back to the personal use fishery right down there.

7
8 MS. PETRIVELLI: Yeah, when we adopted --
9 when the Federal program adopted the regulations they
10 mirrored the State regulations and in October 1, '99 the
11 State had it as a personal use fishery and -- because they
12 mirrored the State and then people were asked to fix -- or
13 review the regulations and make proposals to address it as
14 needed.

15
16 CHAIRMAN LOHSE: At one time that was a
17 subsistence district and then when the personal use fishery
18 got big, to divide the personal use from the subsistence
19 fishery because of conflicts, the State designated that
20 area as a -- this is if my memory serves me right,
21 designated that area as the personal use fishery and
22 upstream as the subsistence fishery simply because there
23 were conflict on that area.

24
25 Am I correct on that, Pat?

26
27 MS. PETRIVELLI: Uh-huh.

28
29 MR. ELVSAAS: But now.....

30
31 CHAIRMAN LOHSE: But now it is a State
32 subsistence area for dipnets only, you know, it's not a
33 fishwheel area. And I think we can ask Terry some
34 questions on that when he gets up here. Anybody have any
35 more questions for Pat?

36
37 (No audible responses)

38
39 CHAIRMAN LOHSE: Thank you, Pat. So I
40 think the next person we have up here is Terry, right?
41 Alaska Department of Fish and Game comments. Terry.

42
43 MR. HAYNES: Thank you, Mr. Chairman. The
44 Department originally deferred our comments until we had a
45 chance to review the eight factor analysis. And I'm going
46 to say I'm not sure that we support the staff
47 recommendation as written. We support the addition of some
48 communities to the original proposal, but we don't
49 necessarily support the entire list that's in this

50 proposal, it's not clear that some of these communities on

00083

1 this list would really meet the test of having a customary
2 and traditional use, based on the information we see in
3 this analysis.

4

5 What we'll plan to do is review this analysis more
6 carefully and submit additional written comments to the
7 Federal Board that will speak to what we see before us.
8 For example, Chenega Bay and Tatitlek, it's really not
9 clear that those communities have a customary and
10 traditional use of this area, based on the information we
11 see in this analysis. Whereas, there are some other
12 communities not in the original proposal that have been
13 added to the list that do probably have a customary and
14 traditional use, so we're going to have to fine-tune our
15 comments and look at specifically what changes we would
16 recommend making to that list.

17

18 And if you have some specific questions about what
19 the Board of Fisheries have done and how State regulations
20 might affect this, I'll defer to Bill Simeone on our staff.

21

22 CHAIRMAN LOHSE: I thought we'd probably
23 have some questions on that. Fred, you want to ask him
24 some questions on that -- did I explain it clear enough?
25 Was I correct in my explanation as to what happened?

26

27 MR. SIMEONE: Yeah.

28

29 CHAIRMAN LOHSE: The historic sequence or
30 whatever you want to call it.

31

32 MR. SIMEONE: (Nods in the affirmative)

33

34 CHAIRMAN LOHSE: Then I'll ask you a
35 question. If this was found to be -- if we found this is a
36 Federal subsistence area, then fishwheels would be allowed
37 in there for Federal subsistence users, how would that
38 affect the current State regulation, which basically has
39 turned all the personal use fishermen into subsistence
40 users limited to the dipnet?

41

42 MR. SIMEONE: I don't think I could answer
43 that question, I'd have to defer to somebody -- a
44 biologist. Tom, you want to answer that?

45

46 MR. TAUBE: Right, like you stated the
47 State fishery just recognizes dipnets. And the way I
48 understand this process you're finding C&T and then you
49 would have to determine gear type also. And then if the

50 Federal Board decides to include fishwheels, you would have

00084

1 fishwheels operating by Federal qualified users in that
2 fishery and you'd also have only State qualified users
3 using dipnets so you would have a potential conflict in
4 some areas. What I've read with the traditional areas for
5 fishwheels it's generally been Fish Point and down in
6 O'Brien Creek, so the fishwheels that have been placed have
7 been in limited sites. I believe, but I can't remember at
8 Taral if there's also been wheels there in the past.
9 There's just been a few areas where wheels have been
10 allowed. But this would also provide the opportunity for
11 the Federal qualified users to come down there and dipnet
12 where they can't right now.

13

14 CHAIRMAN LOHSE: Oh, okay. So basically
15 right -- well, right now any Federally qualified.....

16

17 MR. TAUBE: Qualifies under the State.

18

19 CHAIRMAN LOHSE: Qualifies under the State
20 anyhow, don't they?

21

22 MR. TAUBE: Right, right, yes, yes. But
23 under Federal regulations there isn't a fishery there.

24

25 CHAIRMAN LOHSE: Uh-huh. But they can --
26 okay, but they can only go down and fish under the State
27 bag limit down there now?

28

29 MR. TAUBE: Right, under Federal
30 regulations it could be -- I don't know how the Board or
31 the committees are going to address it, whether they'll
32 extend the bag limit from the Glennallen Subdistrict down
33 into the Chitina Subdistrict or they'll mirror the State
34 regulations for the Chitina Subdistrict and that's for the
35 RACs and the Federal Board to decide.

36

37 CHAIRMAN LOHSE: Yeah. Okay. So right now
38 that is not a Federal district at all, that is strictly a
39 State district?

40

41 MR. TAUBE: Right. It's listed in the
42 Federal Register as a Chitina Subdistrict, but there's no
43 Federal fishery occurring in that area.

44

45 CHAIRMAN LOHSE: Okay. Fred, you have a
46 question?

47

48 MR. F. JOHN: No.

49

CHAIRMAN LOHSE: Oh, I thought you had your

00085

1 hand up.

2

3 MR. F. JOHN: I was just thinking -- I'll
4 just say something that fishwheel down there in the
5 subdistrict, I remember a long time ago, and when the
6 people from Fairbanks and Anchorage start coming in I
7 remember there was conflict, too, so I think it'll be the
8 same way, but in reverse.

9

10 MR. TAUBE: Yeah, that's the concern I see,
11 there will be conflict where, particularly if the bag
12 limits are increased you're going to have Federally
13 qualified users with a larger bag limit, with a State
14 qualified users with a smaller bag limit. And if they take
15 certain spots -- it's been '75 or '78, and I don't know if
16 Bill might be able to answer that, whenever the last
17 fishwheels were down there, since that time we've had 20
18 years of just dipnets down there, essentially, where they
19 probably feel that they have some ownership to certain
20 fishing sites. And that's where I would see the conflicts
21 would be, would be more in that sense.

22

23 MR. F. JOHN: I got another question.

24

25 CHAIRMAN LOHSE: Another question.

26

27 MR. F. JOHN: Why -- is there a reason why
28 the State is opposed to fishwheel down there? Because I
29 see that as a traditional and customary way for fishing for
30 the whole -- eight Ahtna villages, you know, and I was
31 wondering the reason why?

32

33 MR. TAUBE: It was more as it was explained
34 earlier by the Chairman, that due to the conflicts the
35 State just created a boundary where one gear type was
36 allowed in upstream, the other gear types were allowed and
37 to reduce the conflict, to provide an area for the non-
38 subsistence qualified users to have a fishery that's where
39 the personal use fishery was developed and that's why those
40 boundaries were set, so there wouldn't be overlap of
41 boundaries between subsistence and personal use users.
42 That was why the fishwheels were removed from there. There
43 had been personal use fishwheels for the first couple of
44 years of the fishery and then they were removed. Again,
45 just to make it consistent gear type in that area.

46

47 CHAIRMAN LOHSE: Any other questions for
48 the -- any other question on if -- you'll hold your
49 comments, then, to give to the Board as far as the

50 communities involve, right, Terry?

00086

1 MR. HAYNES: Yes, Mr. Chairman, but I do
2 believe that our recommendations will not include all of
3 the communities on the list in this staff analysis.

4
5 CHAIRMAN LOHSE: Okay, thank you. Okay,
6 we're going to take our recess now. Ann.

7
8 MS. WILKINSON: We do have written public
9 comment on this, it was not listed in the book. Did you
10 want to do that?

11
12 CHAIRMAN LOHSE: Oh, we have written public
13 comment that was not listed in the book?

14
15 MS. WILKINSON: Uh-huh.

16
17 CHAIRMAN LOHSE: Let's take the written
18 public comment and the public comment after lunch.

19
20 MS. WILKINSON: Okay.

21
22 CHAIRMAN LOHSE: Just to freshen us up.
23 And we will now take a break for lunch. And do we still
24 want to have an hour and a half? That kicks us pretty far
25 in the afternoon. Take an hour and a half, what do you
26 think, Tom, or shall we take an hour?

27
28 MR. BOYD: It's your call.

29
30 CHAIRMAN LOHSE: Council members what do
31 you think?

32
33 MR. DEMENTI: Well, if they're going to the
34 lodge it's going to take a while to.....

35
36 CHAIRMAN LOHSE: They're going to take a
37 while to get served and everything.

38
39 MR. DEMENTI: Yeah.

40
41 CHAIRMAN LOHSE: We better take an hour and
42 a half.

43
44 (Off record)

45
46 (On record)

47
48 CHAIRMAN LOHSE: I'd like to call this fall
49 meeting of the Southcentral Regional Advisory Council back

50 in session. We're discussing Proposal 15. We had just

00087

1 gotten through the introduction to it and the Alaska
2 Department of Fish and Game comments on it. We have a
3 number of people that wish to testify on it and we have
4 some written testimony, too. I just lost my page, excuse
5 me, I have to find it again. This is dealing with the
6 Chitina Subdistrict, Copper River.

7

8 It says public comments none. Did we have any
9 other written public comments for 15, Ann?

10

11 MS. WILKINSON: Yes, we did and I've been
12 asked to read the entirety of it. It's from the Copper
13 River/Prince William Sound Advisory Committee. It isn't
14 very long.

15

16 The Federal Board has adopted State C&T findings
17 for the Batzulnetas and Glennallen Subdistrict fisheries.
18 The portion of the river known as the Chitina Subdistrict
19 has a similar history of use by rural residents and
20 particularly Copper basin residents. The Alaska Board of
21 Fisheries recently determined that customary and
22 traditional uses of the fishery resource occurred in the
23 Chitina Subdistrict, although the focus of that
24 determination was based on urban dipnetters. It is time
25 for the Federal Board to properly acknowledge the long
26 history of subsistence harvest by rural Alaskans in the
27 Chitina Subdistrict.

28

29 The proposal, as written, is unnecessarily
30 restricted as to which rural residents would be allowed to
31 participate in the Chitina fishery. There is ample
32 evidence of well-established patterns of trade, barter and
33 other forms of commerce between basin residents and those
34 on the coast. In fact, for many years a railroad
35 facilitated these practices. It is because of the enduring
36 relationship between the various communities along the
37 Copper River and the direct and indirect uses of the
38 fisheries resource that cement these bonds that we believe
39 the Federal subsistence fishery in the Chitina Subdistrict
40 must provide for access of all residents of the Copper
41 River drainage, as well as for residents of Prince William
42 Sound.

43

44 Current Federal C&T determination also include the
45 main stream of the Copper River from Haley Creek downstream
46 to Cottonwood Point. This is an error, there has never
47 been either a State or Federal C&T determination for this
48 rather substantial portion of the river. The Federal
49 regulation should be corrected to reflect improper this

50 improper addition to the C&T.

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1 And that's it. And that was in support of the
2 proposal with recommended additions.

3
4 CHAIRMAN LOHSE: Okay. And that's all of
5 our written comments?

6
7 MS. WILKINSON: Yes.

8
9 CHAIRMAN LOHSE: At this time I'd like to
10 take public comments on this proposal.

11
12 MS. WILKINSON: Wait, wait, wait.

13
14 CHAIRMAN LOHSE: Find something else, Ann?

15
16 MS. WILKINSON: No, I'm sorry, there was
17 one more.

18
19 CHAIRMAN LOHSE: There's one more written
20 comment.

21
22 MS. WILKINSON: Yes. Cordova District
23 Fishermen United, Proposal 16 they opposed. CDFU is opposed
24 to this proposal as it provides no information as to what
25 the changes to seasons and harvest limits are to be in the
26 Glennallen Subdistrict. Without any specifications no
27 mechanism exists for evaluating whether or not the seasons
28 and harvest limits are consistent with sound measurable and
29 sustainable biological principles.

30
31 CHAIRMAN LOHSE: Is that for Proposal 15?

32
33 MS. WILKINSON: Oh, no, I'm sorry, I got a
34 head of myself.

35
36 CHAIRMAN LOHSE: Because that's one we
37 heard before, yeah.

38
39 MS. WILKINSON: I got ahead of myself,
40 sorry.

41
42 CHAIRMAN LOHSE: So that's.....

43
44 MS. WILKINSON: I'll read it again for 16.

45
46 CHAIRMAN LOHSE: It's for 16, okay. They
47 weren't commenting on 15 then?

48
49 MS. WILKINSON: No, they took no action on

50 that one.

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1 CHAIRMAN LOHSE: Okay, they took no action.
2 Then, in that case, I've got a stack of people who which to
3 testify. Devi Sharp.

4
5 MS. SHARP: Thank you, Mr. Chairman. I
6 realize we're on uncharted ground here, to some degree,
7 that we're not clear how C&T for fisheries relates to C&T
8 for wildlife, but it looks very inconsistent to me. The
9 list of communities is inconsistent with the list of
10 communities that we use for Wrangell-St. Elias National
11 Park. For example, the communities of Whittier, Chenega
12 Bay, Cordova and Tatitlek, because you know last year the
13 park found Cordova was not eligible for resident zoned
14 status, so that would inconsistent.

15
16 It's just not clear to me, and I don't think I
17 heard any good reason articulated how this list has come up
18 and how we're going to implement this in the Federal
19 subsistence arena. I think the lesson was learned in 1990,
20 if you take the cookie cutter of the State, which has a
21 different agenda and a different purpose and need, if you
22 take that set of rules and just try to slap it into the
23 ANILCA framework, we'll be ironing out the details for a
24 very, very long time. You know, that's all the communities
25 that we've been discussing year after year for wildlife,
26 whether they have C&T for wildlife species. This is what
27 this is going to lead to, this is an arbitrary list in the
28 ANILCA arena.

29
30 Thanks.

31
32 CHAIRMAN LOHSE: Any questions for Devi?

33
34 (No audible responses)

35
36 CHAIRMAN LOHSE: I have one. Basically,
37 what you're saying is this list is too broad because this
38 is right on the edge of the national park and some of these
39 communities don't have access to hunting in -- they don't
40 have C&T for hunting in the national park, right?

41
42 MS. SHARP: Right. And that, presumably,
43 is because they didn't use it. And if you look at it --
44 and realistically, are the 10 people who live in Chisana
45 going to fly out of Chisana and go down to Chitina and
46 dipnet? Well, I don't know if they have or they haven't, I
47 suspect they haven't. Are the people in Paxson, have they
48 traditionally -- putting it to the same test, have they
49 traditionally used the Chitina area for subsistence uses in

50 the Federal sense, not in the State sense. So I don't feel

00090

1 that there's a consistent testing here. And I think if we
2 don't somehow come to grips with that at this point, we're
3 going to suffer with this for the next 10 years trying to
4 iron out the communities, who does what where.

5

6 So I don't have any easy answers, I just see some
7 things that are really blatantly inconsistent and some
8 things that make me -- some communities that make me say,
9 yes, that's correct. And -- yeah, I did see Lower Tonsina.

10

11 MR. ELVSAAS: Mr. Chairman.

12

13 CHAIRMAN LOHSE: Fred.

14

15 MR. ELVSAAS: As I understand it, you don't
16 have a problem with opening the district, it's just the
17 areas that will be able to use it?

18

19 MS. SHARP: That's correct.

20

21 MR. ELVSAAS: And, like you say, if they're
22 Mentasta, did they historically use it? Well, have you
23 considered that in the proposal and comments a lot of the
24 areas of historic use by people up and down the river
25 they're being crowded out of them. This is an opportunity
26 for them to get an area where they're not being forced off
27 the river and crowded out.

28

29 MS. SHARP: I can't say I've thought about
30 it specifically. All I ask is that each community be
31 looked at and be held to same test that we hold the
32 wildlife communities to. That's my biggest concern is that
33 they pass the ANILCA test, not the State test, and this is
34 a State list. Which is fine for their subsistence mandate,
35 but it may not be where the Federal subsistence program
36 should be going.

37

38 MR. ELVSAAS: Then the other part would be,
39 would you support having other areas further upstream just
40 for people in those particular villages along the river?

41

42 MS. SHARP: If there's good data that
43 supports that, absolutely.

44

45 MR. ELVSAAS: You see the problem now is
46 that they're being hit by so many people from the urban
47 areas that they're being forced off their traditional and
48 historic fishing grounds.

49

MS. SHARP: Uh-huh. Well, that's certainly

00091

1 true in Chitina, the people who traditionally fished there
2 can hardly get their elbows up to the water to do their
3 traditional activity, so I don't think -- I think that's
4 pretty universal, I think the resources are becoming more
5 uses as our state population grows.

6

7 MR. ELVSAAS: Yeah. Thank you.

8

9 CHAIRMAN LOHSE: Any other question for
10 Devi?

11

12 (No audible responses)

13

14 CHAIRMAN LOHSE: Thank you, Devi, for
15 bringing that up to us.

16

17 MS. SHARP: Thank you, Mr. Chairman.

18

19 CHAIRMAN LOHSE: Faye.

20

21 MS. F. EWAN: Hi, my name is Faye Ewan, I'm
22 from Native Village of Kluti Kaah. I was reviewing this
23 proposal and from the impact that I see from fishwheels on
24 the Copper River I would like to see the Federal
25 Subsistence Board recognize rural preference over non-rural
26 because the statistics says here that fishwheel users that
27 come into the area there, most of them are from the urban
28 areas that come into the district and the whole Copper
29 River should be defined as subsistence non-rural users
30 because of the impact of -- since they opened it up as
31 personal use on the river we have a bigger impact on our
32 salmon. And percentage of the fishwheels that was on the
33 Copper River this year, most of them were from Anchorage
34 and Fairbanks or somewhere else, they were not the rural
35 people that was using it. My people didn't even have
36 access to most of the river, to the fishwheel in Copper
37 Center because of the river changed, the current changed.

38

39 And in order to regulate -- if we're going to use
40 -- if we have to go to somewhere else and we have to fish,
41 I think the rural preference should be very strongly
42 introduced back on this year, because pretty soon we're
43 going to have another Kenai River happening in that Copper
44 River and there's a lot of people that bring their
45 fishwheels from the urban area, and according to the
46 Federal law and the State should be, you know abiding with
47 this, too, is that the rural preference subsistence users
48 should be the first ones that be allocated salmon. And if
49 there's, you know, a big run, a good run, then they can

50 open it up to the non-rural residents. But until they do

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1 -- this year we got -- man, there's fishwheels all around
2 Copper Center, we don't even know these people and they
3 have fishwheels all around the Copper River. And I don't
4 think it's fair to the subsistence user and the rural
5 people, like me and my people.

6

7 And I feel, you know, that that should be
8 recognized and I'm asking the Federal Subsistence Board to
9 recognize and try to put some provision in there to have
10 that, the rural preference be introduced back on that
11 river. Thank you.

12

13 CHAIRMAN LOHSE: Thank you, Faye. I don't
14 know if that comes under this proposal, but I recognize the
15 problem.

16

17 MS. F. EWAN: What I'm trying to say is
18 that the Chitina Subdistrict area there, there's so many
19 urban people that are non-rural residents that get access
20 to this river and by the time the fish pass there and it
21 gets up to where I fish, sometimes there's no fish there.
22 And if these people are coming from the urban areas,
23 throwing fishwheels in Chitina District, you know, they're
24 upsetting my regular run of my fish I would be getting up
25 in the Copper Center area. And if we had to go to Chitina
26 and fish, that's completely different than the way we
27 would, you know, traditionally fish, because it's not our
28 tradition to go into another country and fish in their
29 land, but the urban people they don't care where they go,
30 you know, that's what I'm just trying to say that, you
31 know, it should be opened to the subsistence users. And
32 the non-rural people come in there and they just put their
33 wheel in the river or fish or dipnet, whatever, that's if
34 there's a lot of fish, but there's a big decline in fish
35 this year and I know a lot of people didn't get their
36 quota.

37

38 Thank you.

39

40 CHAIRMAN LOHSE: Thank you. Gloria. I'm
41 sorry I forgot to call you last time on that last one.

42

43 MS. STICKWAN: Oh, that's okay. I just
44 want to state my name is Gloria Stickwan, I work for Copper
45 River Native Association. I'm here on behalf of CRNA as
46 well as the Native Village of Tazlina. I'm of the Raven
47 Clan and I live in Tazlina, Alaska.

48

49 I want to stress that the Federal subsistence

50 management needs to do a new C&T study for determination of

00093

1 fish on the Copper River and the Prince William Sound, the
2 whole river down to the Copper River delta. There hasn't
3 been a C&T study by a subsistence management to determine
4 which communities have used the rivers. CRNA does not
5 approve of the C&T determination that was done by the State
6 of Alaska.

7

8 I have additional C&T comments that are under the
9 C&T proposals, that address the C&T. This proposal right
10 here.....

11

12 CHAIRMAN LOHSE: That's what this
13 Proposal.....

14

15 MS. STICKWAN: Okay.

16

17 CHAIRMAN LOHSE:15 on is on C&T.

18

19 MS. STICKWAN: Okay. Okay. Sorry, made a
20 mistake.

21

22 CHAIRMAN LOHSE: Yeah.

23

24 MS. STICKWAN: The one thing I wanted to
25 state is that we've used that area, it's well documented,
26 the Copper River, the eight villages. It's well documented
27 that we have used the lower subdistrict. I think there's
28 enough documentation to prove that, I don't think we need
29 to prove that. We've used it for fishwheels and then we
30 were forced out of it because of the dipnetters and because
31 the regulations that were in place. And also because
32 people didn't understand the regulations that were -- they
33 weren't aware of regulations that were done under the State,
34 they weren't aware that these things were passed and then
35 it was passed they just had to accept what happened after
36 the fact. I think if they were aware of it they would have
37 stood up and said, you know, we've used these areas for
38 fishwheels.

39

40 When I had written this proposal I was pressed the
41 time, we didn't include fishwheels in here. I would like
42 to have fishwheels in here as well as dipnets because it is
43 a traditional area, fishwheels as well as dipnets. I don't
44 know if that's possible, if that could be done, but I would
45 like to see be amended to include fishwheels as well as
46 dipnets.

47

48 When the C&T determinations are made, and I hope
49 they are, I hope that CRNA can get involved in it, or

50 somebody could be sitting there to give their input on the

00094

1 C&T determinations. This list that was on page 60, it
2 doesn't include some villages that we think should be on
3 here. And it includes communities that shouldn't be on
4 here, so we do approve of the Upper Tanana villages, such
5 as Dot Lake, Tetlin, Northway and Tanacross to be include
6 and that Tanada Lake north of Slana River area. And those
7 communities are not listed on this page 60.

8

9 So we'd like to see a new C&T done and we would
10 like to have it based on -- we don't want to see the C&T to
11 be adopted that was adopted for the past C&Ts that were
12 done for animals on Federal land, such as moose, sheep,
13 caribou, those should never be adopted just because -- just
14 because they adopt it for ungulates they shouldn't adopt it
15 for fisheries, because fish is a different species from
16 ungulates, which we need to determine fisheries by itself,
17 don't include it as being part of ungulates. Don't say
18 villages, communities use this area for moose, sheep and
19 caribou, so we should give them C&T for fish, don't do that
20 because it s a different -- it's a river, it's a water-
21 based species, whereas ungulates are animal-based species.
22 And you need to consider there these fishwheels and fish
23 dipnets were used. The areas that were used have to come
24 into play, you have to determine C&T by that, which areas
25 along the river was used for dipnets and fishwheels, that
26 should be a strong factor in considering C&T. Don't use
27 past C&Ts based on animals that were passed.

28

29 I guess I just want to state we need to redo the
30 C&Ts for the fisheries on the Prince William Sound/Copper
31 River.

32

33 CHAIRMAN LOHSE: Any questions for Gloria?

34

35 (No audible responses)

36

37 CHAIRMAN LOHSE: Gloria, don't run off just
38 yet, I've got a couple of questions. Now, the proposal
39 before us, Proposal 15, I think CRNA put that in, didn't
40 they?

41

42 MS. STICKWAN: Yes, they did.

43

44 CHAIRMAN LOHSE: Okay. And what it's
45 asking is a C&T in the Chitina Subdistrict -- I mean,
46 that's basically what it's asking for us is to find a C&T
47 for the Chitina Subdistrict for this proposal, right?

48

49 MS. STICKWAN: Yes, and I wanted to amend

50 it to include fishwheels as well. Well, I guess you can't

00095

1 since it's C&T. Okay, yeah.

2

3 CHAIRMAN LOHSE: Yeah, because you wouldn't
4 have to include fishwheels or dipnets, if you got the C&T
5 that comes under regulations.

6

7 MS. STICKWAN: Okay.

8

9 CHAIRMAN LOHSE: So what we just need to
10 do, first of all, is we need establish a C&T in that
11 subdistrict.

12

13 MS. STICKWAN: But then, you see, if you're
14 going to adopt the State's regulations it says -- I'm
15 confused here because under the State -- we don't have
16 fishwheel use under State right now.

17

18 CHAIRMAN LOHSE: We're not adopting State
19 regulations.

20

21 MS. STICKWAN: Okay.

22

23 CHAIRMAN LOHSE: We're not adopting any
24 regulations. What we're trying to do is decide if there
25 should be a C&T for subsistence use in the Chitina
26 Subdistrict. And that would be Federal subsistence use,
27 not State subsistence use.

28

29 MS. STICKWAN: And that would include
30 fishwheels and dipnets?

31

32 CHAIRMAN LOHSE: That would include
33 whatever the Federal decides to put in for regulations. At
34 this point in time, we have to come up with a C&T on it and
35 then the regulations follow the C&T. I mean, you have to
36 have the C&T first for the Federal government to run a
37 season there. And, at that point in time, they can decide
38 whether to have dipnets, fishwheels, bag limits and all
39 that stuff.

40

41 MS. STICKWAN: Well, I don't see how you
42 can -- for me it's a problem to say that you have to do one
43 for dipnets and one for fishwheels. I know it's means and
44 methods, but it includes our historical use of fishwheels
45 and that's.....

46

47 CHAIRMAN LOHSE: Yeah, what I'm saying,
48 though, is the proposal before us that we can act on is
49 only on C&T.

00096

1 MS. STICKWAN: Yeah, I know, but.....

2

3 CHAIRMAN LOHSE: At this point in time we
4 can't act on what kind of methods or means or bag limits,
5 there's no proposal in front of us. So we have to first
6 decide whether this is C&T. It's just that we can't go
7 that far.

8

9 MS. STICKWAN: Oh, yeah, okay.

10

11 CHAIRMAN LOHSE: Now, any other questions
12 for Gloria. And, Tom, if I'm wrong on that, you correct
13 me, but from what I understand the proposal in front of us
14 is dealing strictly with C&T.

15

16 MR. BOYD: Yes, that's what we received and
17 it was a proposal only with C&T determination and so that's
18 what we published in the public booklet and then brought
19 before you for recommendation. Had we had a proposal that
20 also would add to it some harvest regulations, you know, we
21 would have published that as well and received public
22 comment and then brought that before you. I think you're
23 generally right, through, you could do one before the
24 other, it could be done in the same meeting, but we simply
25 don't have a proposal here.

26

27 CHAIRMAN LOHSE: Uh-huh.

28

29 MR. BOYD: And I hear what Gloria is
30 saying, I think from -- in fact, if I could put myself in
31 her shoes and from her perspective I would agree, I think
32 it's sort of -- you're left wondering what you can do if
33 it's only C&T. But it is a step-wise process and if we had
34 that proposal in front of us we could deal with it. But
35 because we deal with an open public process we simply
36 haven't had that proposal to publish and then receive
37 public comment on it.

38

39 CHAIRMAN LOHSE: Uh-huh.

40

41 MR. BOYD: It's something that I think CRNA
42 should probably consider, about what they would like, and
43 then submit a proposal.

44

45 CHAIRMAN LOHSE: That's kind of what I
46 thought. I kind of thought our hands were tied as far as
47 what or where or how, I mean, how, but what we need to do
48 at this point in time is on the C&T part that you were
49 talking to, Gloria, you said that you didn't want to see us

50 adopt the State game C&Ts for the area. What do you think

00097

1 of the.....

2

3 MS. STICKWAN: No, I said I don't want you
4 to adopt past C&Ts that were done by Federal, as well as by
5 the State because we're dealing with fisheries. Fish on
6 the Copper River, that's a different species from ungulates
7 or bears or sheep or whatever. You need to do a new C&T
8 just for fish on the Copper River because it's a different
9 species and because it's water-based species, whereas,
10 animals live on the land. And it's different area, and
11 because the areas that were used traditionally by the Ahtna
12 people, they're site specific, there is a -- you know,
13 there are areas where fish camps were at along the Copper
14 River.

15

16 CHAIRMAN LOHSE: Okay.

17

18 MS. STICKWAN: There's areas that villages
19 went to. So I'm saying you need to do new C&Ts based just
20 on fisheries, don't adopt your past C&Ts done for animals
21 and don't adopt the State C&T.

22

23 CHAIRMAN LOHSE: Okay. All right. Now, we
24 have a recommendation for modification on this one here, do
25 you have any comments on that?

26

27 MS. STICKWAN: What was their modification?

28

29 CHAIRMAN LOHSE: Customary and traditional
30 use determinations, Chitina Subdistrict of the Upper Copper
31 River District, page 75. Salmon -- rural residents of the
32 Prince William Sound area, no Federal -- wait a second,
33 something wrong here. Am I looking at the wrong.....

34

35 UNIDENTIFIED VOICE: No.

36

37 CHAIRMAN LOHSE: Oh, and no Federal season
38 is removed. If I recognize that right?

39

40 MS. PETRIVELLI: That's right.

41

42 CHAIRMAN LOHSE: Am I looking at that
43 correct?

44

45 MS. PETRIVELLI: Yes, you are.

46

47 CHAIRMAN LOHSE: Now, the no Federal season
48 is removed?

49

MS. PETRIVELLI: No, it's still there.

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1 CHAIRMAN LOHSE: It's still there.

2

3 MS. PETRIVELLI: Well, because we don't
4 have a method or dates on there.

5

6 CHAIRMAN LOHSE: Oh.

7

8 MS. PETRIVELLI: Yeah.

9

10 CHAIRMAN LOHSE: But there would be a
11 customary and traditional use determination?

12

13 MS. PETRIVELLI: Traditional use
14 determination, right.

15

16 CHAIRMAN LOHSE: Okay.

17

18 MS. PETRIVELLI: So that's when fishwheels
19 and dipnets are.....

20

21 CHAIRMAN LOHSE: Okay. So it's just
22 dealing with customary and traditional determination there
23 is no Federal season at this point in time.

24

25 MR. F. JOHN: Yeah.

26

27 CHAIRMAN LOHSE: Okay. Comments, Gloria,
28 on that?

29

30 MS. STICKWAN: At that time we'll probably
31 include fishwheels as well as season and dates and write a
32 proposal.

33

34 CHAIRMAN LOHSE: I would imagine that when
35 the time comes to make a season, fishwheels can be include
36 just as easy as dipnets. But -- so that's how it's been
37 suggested it be modified.

38

39 MS. STICKWAN: So you understand I'm saying
40 don't adopt your past C&Ts on animals?

41

42 CHAIRMAN LOHSE: Yeah, I don't think we are
43 but Devi was saying that part of the thing is here we have
44 areas included that weren't included for animals, but I
45 think what you're saying is people have farther for fish
46 than they have for animals, is that -- am I understanding
47 correctly?

48

49 MS. STICKWAN: I'm saying there's fish

50 camps where traditionally -- special areas where families

00099

1 went to these areas.

2

3 CHAIRMAN LOHSE: Uh-huh.

4

5 MS. STICKWAN: Those areas should be looked
6 at and included as part of your C&T and.....

7

8 CHAIRMAN LOHSE: Uh-huh. But we have to
9 include the other rural residents, too, so we have to
10 include that they used the area also, you know, that's.....

11

12 MS. STICKWAN: If they have C&T, yeah, if
13 you can find C&T studies that are.....

14

15 CHAIRMAN LOHSE: Yeah.

16

17 MS. STICKWAN:evidence for them to
18 use that.

19

20 CHAIRMAN LOHSE: Yeah. Anyone else got
21 some questions for Gloria?

22

23 (No audible responses)

24

25 CHAIRMAN LOHSE: Thank you, Gloria. And I
26 have, I think, two more. Sue Aspelund.

27

28 MS. ASPELUND: Sue Aspelund, Cordova
29 Fishermen United. This isn't a comment specific to the
30 proposal, as much as just to be sure that the Council is
31 aware -- we've heard the Department staff reference the
32 Board of Fisheries decision in December of '99 that
33 reclassified the Chitina dipnet fishery as a subsistence
34 fishery and I wanted to be sure that the Board may also be
35 reconsidering that decision. And I know it doesn't impact
36 your process, but I think it's something that you need to
37 be aware of. They will be hearing a report from the
38 special committee that took testimony on the issue in March
39 at their September work session and then based on that
40 recommendation the full Board of Fish will decide whether
41 or not to reconsider that decision.

42

43 So it is possible that within this regulatory
44 cycle, your regulatory cycle that that fishery may be
45 reclassified personal use again. I just wanted to be sure
46 that you knew that.

47

48 CHAIRMAN LOHSE: Thank you, Sue. Any
49 questions for Sue?

00100

1 (No audible responses)

2

3 CHAIRMAN LOHSE: Lotha. Am I pronouncing
4 that correct?

5

6 MS. WOLF: Good afternoon, my name is Lotha
7 Wolf but everybody call me Lottie, so everybody probably
8 don't know who Lotha was. That's me. And welcome to our
9 village, I'm from here.

10

11 My comments is that in a lot of process it seems
12 like we've been looked over. And the lot of the
13 regulations that was put in before the State and the Board
14 has been passed that it seems like we're being left out.
15 We don't have nothing to say. These decisions will be made
16 without our comments, our concern.

17

18 I'd like to say for Gloria, I do applaud her for
19 her effort to bring forward all the customary and
20 traditional, we support that, but we do have our own
21 concern up here. We do have -- we are part of Ahtna, we
22 are the head water people, that's where the Copper River
23 come from, from in our area here. There's a lot of streams
24 here flows into the Copper River. These were fish
25 spawning. After -- it's been 30 years or so, you will not
26 find many creek that have spawning creek anymore. Why?
27 Has anybody ever decide to go look for why these spawning
28 creek are not spawning anymore? They're not. Maybe that's
29 why all the fish are declining. Maybe it's starting from
30 up here, but we haven't had no one come up here and ask us
31 question or even tell us. It's always a fight down there,
32 whose got right and whose privilege and who don't.

33

34 Our concern is share, we share with everybody, we
35 always will, even with our non-Native people. If we have
36 fish we'll give it to them, if we have meat, we'll give it
37 them. We're the people that share, we'll give, we won't
38 let nobody go by hungry.

39

40 The reason why I brought this up is because I
41 finally went down to see the Fish and Wildlife, when are
42 you guys going to be up here and check out why there's no
43 more spawning? I don't know. Who's going to enforce
44 this, this is our concern. Who's going to decided to check
45 out why there's no more spawning? Our water are all start
46 draining away. We need more support in why these fish are
47 being declining. I live here, I love it here. I respect
48 it, I respect peoples, but I want you guys to know start
49 thinking about that.

00101

1 I do support what CRNA are trying to do, but I'd
2 like to recommend that they would include us also if they
3 are doing Ahtna villages since we are one of the villages.
4 Thank you.

5
6 CHAIRMAN LOHSE: Don't run away.

7
8 MS. WOLF: Oh..

9
10 CHAIRMAN LOHSE: Questions, Fred? Gilbert?

11
12 (No audible responses)

13
14 CHAIRMAN LOHSE: I just got one question,
15 Lottie, and that's do you see a lack of fish or has the
16 water changed? Are you have less water, more beaver or
17 anything like that? Or is it just that the fish aren't
18 coming?

19
20 MS. WOLF: I would say there's a
21 combination. There used to be hardly anybody go up this
22 trail here, no you get so many people, vehicle, going
23 across these creeks, just scatter everything up there, up
24 our spawning area. And there is beaver up in that area.
25 It's all a combination and there's a lot of -- people are
26 doing little mining and things up there. Maybe they spill
27 something or do something to contaminate these water, I
28 don't know, but I think it's a combination of things like
29 that.

30
31 CHAIRMAN LOHSE: Now, when you say people
32 are going up the river, is that with ATVs or is that.....

33
34 MS. WOLF: Not up the river, it's up the
35 trail.....

36
37 CHAIRMAN LOHSE: On the trail.

38
39 MS. WOLF:where the creeks are all
40 crossing.

41
42 CHAIRMAN LOHSE: Oh, where the creeks all
43 cross?

44
45 MS. WOLF: Yeah.

46
47 CHAIRMAN LOHSE: Okay. Any the other
48 question is, have you as a village thought of putting in --
49 you know, we have call for proposals for projects.

00102

1 MS. WOLF: We are working on a couple of
2 proposals and one of them we will introduce with CRNA,
3 we'll go with CRNA with one proposal and we are going to
4 try to introduce two of them.

5
6 CHAIRMAN LOHSE: To try to get some
7 research done?

8
9 MS. WOLF: Yes.

10
11 CHAIRMAN LOHSE: Thank you. Anybody else
12 have any questions?

13
14 (No audible responses)

15
16 CHAIRMAN LOHSE: Thank you, Lottie. Okay.
17 Then we have no further testimony. Did I miss anybody or
18 did I get -- oh, Bruce Cain, right here. Oh, I got a whole
19 bunch of them all of a sudden. They keep multiplying.

20
21 MR. CAIN: Hi, I'm Bruce Cain, I work for
22 the Native Village of Eyak in Cordova. And the comments I
23 have are this Proposal 15, put in by Copper River Native
24 Association, it lists the villages of Cantwell, Chitina,
25 Chistochina, Copper Center, Gulkana, Gakona, Mentasta and
26 Tazlina. And it looks like the intent of this proposal was
27 to deal with Ahtna village and their customary and
28 traditional uses in the Chitina area.

29
30 And listening to the staff analysis of this, it
31 seems like maybe they expanded it beyond what its intent
32 was or I'm not sure just where they're going with that, but
33 as far as the Native Village of Eyak is concerned that the
34 Ahtna villages are the ones that are in that area and the
35 Prince William Sound area is expanding into that, maybe
36 going beyond the intent of this proposal.

37
38 The other issue is, if you're going to open the
39 Chitina District to customary and traditional subsistence
40 fisheries that should be, you know, a rural preference
41 initiative of some kind on the rest of the river. One of
42 the big concerns that I've seen on the river, under State
43 management, has been since the McDowell decision, the more
44 than doubling of the harvest by fishwheels in the
45 subsistence fishery by urban residents, Anchorage, Wasilla,
46 Fairbanks. And that's fairly well documented in the
47 Department of Fish and Game data.

48
49 And you're going to need to deal with that, the

50 Federal government has a responsibility to deal with that

00103

1 and I think it's one of the more significant issues since
2 the Federal takeover of fisheries management it hasn't been
3 addressed. And if this proposal can be proposed to be
4 amended by staff, it sound to me that like in this process
5 you're able to amend these proposals, and if that's true, I
6 would suggest amending this proposal to deal with methods
7 and means, bag limits and seasons now. And, you know,
8 address the, you know, the fishwheel where they're
9 traditionally used in the Chitina area and address the bag
10 limits and address the seasons and address the rural
11 preference issue.

12

13 CHAIRMAN LOHSE: Questions for Bruce?
14 Fred, you got a question for him?

15

16 MR. ELVSAAS: No.

17

18 CHAIRMAN LOHSE: I think that the rural
19 preference might be able to be addressed, but I don't think
20 that -- because it's totally off the subject, I don't think
21 you could address -- I mean you could amend it as long as
22 it's in the same -- you know, as long as you're dealing
23 with the same subject. I don't think you can amend it and
24 get out of the subject because that has to come up for
25 public -- the public has to have an opportunity to.....

26

27 MR. CAIN: How can you say it's off the
28 subject when you're talking about 110,000 fish harvest out
29 of a -- you know, we're 10 percent harvest of the run.
30 It's a big issue and if you're going to change.....

31

32 CHAIRMAN LOHSE: Oh, it is.

33

34 MR. CAIN:change the methods and
35 means and provide, you know, access back to this fishery by
36 the people that used to catch those fish, you're going to
37 have to deal with the people that are catching them now.
38 And it's something that's got to be done. And it isn't
39 easy, I don't envy you guys.

40

41 CHAIRMAN LOHSE: But I think we have to
42 have a proposal dealing with that in front of us before we
43 can touch that. I think we can deal with -- I think, and
44 correct me if I'm wrong on that, Tom, I think that we have
45 to stick within the subject boundaries, otherwise we can
46 get in trouble for not due public process.

47

48 MR. CAIN: Well, I'm not a public process
49 person expert, but you probably should have some help from

50 somebody that is on that, but I would.....

00104

1 CHAIRMAN LOHSE: Ida.

2

3 MS. HILDEBRAND: Thank you, Mr. Chairman,
4 Ida Hildebrand, BIA Staff Committee member. Just a bit of
5 information for Bruce. The comments he's making are
6 appropriate comments because any public person can state
7 anything they wish. However, your comments might be more
8 effectively directed at the Federal Board when they address
9 this issue. The Federal Board can take greater measures
10 than this Council can. Generally the Council looks at
11 proposals that are called customary and traditional use and
12 while they can address whether fishwheels were a part of
13 the customary use, they can't create the regulations which
14 are the laws that are a separate proposal process. These
15 are the bags and the seasons and the limits and the methods
16 and means of harvest. There are two separate kinds of
17 proposals.

18

19 But the Federal Board often does ask when it
20 reviews the proposal what's the net effect of this proposal
21 and if they find that it should have addressed that as well
22 because you find C&T, but you can't fish this spring, isn't
23 something that they like to look at, so you might consider
24 attending the Federal Board meeting and raising your
25 concerns there as well as here at the Council meeting.

26

27 CHAIRMAN LOHSE: I think Ida said what I
28 was trying to say, I think it's out of our jurisdiction to
29 go that far without having it in front of us. Bruce.

30

31 MR. CAIN: Okay. Well, I understand that
32 and I guess the, you know, big concern that I'm seeing here
33 is that some action is taken at some level. You know, the
34 commercial fisheries in Cordova were shut down for 18 days
35 this season. They were needing to get the fish up river
36 for the harvest up here and that shut down subsistence
37 fishing for members of the Native Village of Eyak because
38 they are only allowed to subsistence fish at the same time
39 that commercial fishing is opened. There were restrictions
40 on the gear that they were allow to use. They had actually
41 opened up a subsistence season. And I think if you took in
42 the number of fishing hours that subsistence fishermen had
43 at the Native Village of Eyak this year, it was probably
44 the lowest that it's been. At the same time I'm hearing
45 from people in Copper Center and Mentasta and other places
46 where they weren't able to get enough fish and yet the
47 dipnetters are going whole hog and the sportfishermen are
48 going full blast. And general regulations or the Federal
49 law is rural preference and somehow something has got to be

50 done.

00105

1 And, you know, I think that this list that's on
2 this proposal is a good list. It's talking about
3 traditional Ahtna villages. If they want to include the
4 neighbors up in the Tanana Region, that's good, but, you
5 know, it should be expanded out to a whole big group that
6 isn't there. I know I'm wandering around, but at the same
7 time you've got to do -- have some kind of a more broad
8 based limitation -- you know, this stuff is meaningless if
9 you don't have rural preference, it's just meaningless,
10 there's no purpose to it, it doesn't have any effect
11 whatsoever because you've just got the whole thing wide
12 opened anyway.

13

14 MR. F. JOHN: Bruce, your question is that
15 CRNA put in - that the eight villages they represent and
16 your question is why the staff include all these other
17 areas or.....

18

19 MR. CAIN: That was one.....

20

21 MR. F. JOHN:want to just open up to
22 the whole region without these people writing in their own
23 C&T and everything or.....

24

25 MR. CAIN: Well, that's one of the issues
26 with this list here and with the staff, but my bigger
27 concern is with the rural preference not being addressed on
28 the Copper River, because none of these little details
29 matter if you don't have that going over the top of it,
30 because it's opened to everybody anyway.

31

32 CHAIRMAN LOHSE: Any other questions for
33 Bruce?

34

35 (No audible responses)

36

37 CHAIRMAN LOHSE: Thank you. Mary Beth.

38

39 MS. GARDNER: Hi, I'm Mary Beth Gardner,
40 I'm the current secretary and former chair of the Upper
41 Tanana/Fortymile Fish and Game Advisory Committee and I
42 would just like the committee to consider adding all of the
43 communities in the Upper Tanana, Tok is listed, for
44 consideration for C&T use. The communities not listed are
45 Northway and Dot Lake. I'm leaving one out, Northway,
46 Tetlin, Dot Lake and.....

47

48 UNIDENTIFIED VOICE: Tanacross.

49

MS. GARDNER:Tanacross, thank you.

00106

1 And many of those folks who live in those communities have
2 relatives who live in Tok. And I just found out about the
3 meeting yesterday and I did not bring any documentation
4 with me to support this, but if you need it we can come up
5 with it.

6

7 Thanks.

8

9 CHAIRMAN LOHSE: Don't run off. Any
10 questions for Mary Beth?

11

12 (No audible responses)

13

14 CHAIRMAN LOHSE: Okay. Now, you said
15 something about Tok, you said not include or to include?

16

17 MS. GARDNER: To include Tok as well as the
18 other communities within the Upper Tanana.

19

20 CHAIRMAN LOHSE: So that would be Tok,
21 Northway, Tetlin, Dot Lake, Tanacross.....

22

23 MS. GARDNER: That's it.

24

25 CHAIRMAN LOHSE: And that's it, so there's
26 five communities?

27

28 MS. GARDNER: That's correct.

29

30 UNIDENTIFIED VOICE: Haley Lake.

31

32 MS. GARDNER: Haley Lake, actually -- thank
33 you. Yeah, I'll get nailed to the wall later if I don't
34 say Haley Lake, they're part of our Advisory Committee,
35 sorry.

36

37 CHAIRMAN LOHSE: Okay. I think that
38 concludes our testimony, did I miss anybody?

39

40 MR. D. JOHNS: Yes.

41

42 CHAIRMAN LOHSE: You must be here
43 someplace, John.

44

45 MR. D. JOHNS: I have all the proposals.

46

47 CHAIRMAN LOHSE: Okay. Yeah, you got 16
48 through 17 and I didn't see it, my fault, thank you.

49

MR. D. JOHNS: Thank you again. We don't

00107

1 have a representative from Chitina area, there's been a
2 death there. In fact there's been quite a few deaths in
3 Chitina area this year alone, so right now an elder passed
4 on a few days ago so they were unable to come. And the
5 elder was a big brother to me, you know, and he's from the
6 area.

7
8 I know they do use the area for fishing, I heard
9 lot of testimonies from the people, elder people, that were
10 there that used it prior to the State coming in and taking
11 over. The, you know, O'Brien place, O'Brien Creek and
12 Whittier and places like that. I don't have no
13 documentation on that right now with me, but I want to see
14 a C&T study done, you know, throughout -- you know,
15 especially for Chitina area and that down there. That
16 would bring out a more better focus on what was used and
17 what has been done in the past.

18
19 I'm with Gloria. I'm glad she -- you know, she
20 said a lot of things that were true, you know, and I just
21 want to, for the sake of Ahtna, ratify what she saying. We
22 use the fishwheels and dipnets, you know, and I know they
23 did in the past, but I don't have no -- I can't say -- I
24 don't have their testimonies with me. But we do need C&T
25 studies. I am concerned that one day we're going to have a
26 shortage on the Copper River, I don't when or why, I am
27 concerned that these studies need to be done and the people
28 who live off the land that they be protected and that's my
29 main concern.

30
31 Thank you.

32
33 CHAIRMAN LOHSE: Any questions for Don?

34
35 (No audible responses)

36
37 CHAIRMAN LOHSE: I just have on, Don. You
38 said a C&T study, what's in front of us right now is a
39 proposal to make a C&T. Do you think we should defer to
40 further study or should we act on what's in front of us
41 with the information that we have now or what would be your
42 opinion on that?

43
44 MR. D. JOHNS: Well, I know that'll
45 enhance, you know, what we're trying to do, I think, but I
46 don't slow the process down on what is needed to be done,
47 you know. I don't know how else to say it. I think
48 it's.....

49

CHAIRMAN LOHSE: Should we do the best with

00108

1 what's in front of us to try to get a C&T now or do you
2 think we should put it off and try to get more information
3 for the future? I'm just asking you that question just as
4 a general question now.

5

6 MR. D. JOHNS: Well, I think the C&T should
7 be done.

8

9 CHAIRMAN LOHSE: Okay. Thank you. Anybody
10 else have any questions?

11

12 (No audible responses)

13

14 CHAIRMAN LOHSE: George.

15

16 MR. SHERROD: Thank you, Ralph. A point of
17 clarification, there's been talk about the Upper Tanana
18 communities, they are the subject of two proposals to come
19 before you.....

20

21 CHAIRMAN LOHSE: Later on.

22

23 MR. SHERROD:for the Glennallen
24 Subdistrict. They were not included in the analysis for
25 this subdistrict, but they will come up.

26

27 CHAIRMAN LOHSE: In the Glennallen
28 Subdistrict?

29

30 MR. SHERROD: Yes.

31

32 CHAIRMAN LOHSE: Thank you. Thanks for
33 that clarification.

34

35 Well, not having any other testimony, a motion
36 to.....

37

38 MR. ENTSMINGER: Mr. Chair.

39

40 CHAIRMAN LOHSE: Yes.

41

42 MR. ENTSMINGER: Could I testify? I didn't
43 realize 15 was very similar to Proposal 19.

44

45 CHAIRMAN LOHSE: Oh, okay.

46

47 MR. ENTSMINGER: Thank you, members of the
48 Council, my name is Frank Entsminger, I'm a local -- just a
49 local up here, live down the road about 10 miles towards

50 Tok. And I apologize for not writing down Number 15, but I

00109

1 didn't realize that it was very similar to 19. I just
2 wanted to verify that, you know, most of all of the Upper
3 Tanana communities, to my knowledge, you know, have used
4 the Upper Copper River fisheries for, you know, ions of
5 time. I know even in the Lieutenant Allen journals it made
6 mention of Upper Tanana Native people using the Upper
7 Copper River for salmon fishing.

8

9 And being as we were excluded in the regulations as
10 a subsistence communities to harvest the fish, we're here,
11 you know, saying don't forget us because, you know, we have
12 used those. And I'm sure all of the Council members
13 realize this isn't the best timing for a public meeting
14 because it's kind of the tail end of our hunting season, a
15 lot of people are out hunting. There would be a lot more
16 people here testifying if it wasn't at this time. But
17 Craig Gardner, the area biologist, has all the data, he
18 has, you know, the number of fishwheel permits, the
19 families that use the permits and so on and so forth, so,
20 you know, the data is there if you care to look for it.

21

22 That's all I have.

23

24 CHAIRMAN LOHSE: Any questions for Frank?

25

26 (No audible responses)

27

28 CHAIRMAN LOHSE: Thank you. Okay. If
29 there's no further testimony, a motion to accept the
30 proposal as written or accept the proposal as modified or
31 to accept the proposal and then put in a different
32 modification is in order, whichever is the preference of
33 the Council.

34

35 MR. ELVSAAS: Mr. Chairman.

36

37 CHAIRMAN LOHSE: Yes, Fred.

38

39 MR. ELVSAAS: I need a little clarification
40 here. On the staff recommendation, it says modify the
41 proposal to read Prince William Sound area, customary and
42 traditional use determination. Chitina Subdistrict of the
43 Upper Copper River District. Salmon - rural residents of
44 the Prince William Sound area. Is the intent by the staff
45 to just have the Prince William Sound, is that the
46 modification?

47

48 MS. PETRIVELLI: Yes. And I,
49 unfortunately, left out three communities, because it's on

50 page 60 that has the actual list, but there are three

00110

1 communities that were included in the analysis that weren't
2 -- aren't in the Prince William Sound area and those
3 communities are Chisana, Tok and Cantwell. And that's
4 because those are resident zoned communities of the park,
5 so their in the analysis. All the communities are listed
6 on page 60 and the regulation [sic] would be all the
7 communities in the Prince William Sound area, plus just
8 residents of Chisana, Tok and Cantwell.

9

10 CHAIRMAN LOHSE: Pat, can I ask you a
11 question?

12

13 MS. PETRIVELLI: Uh-huh.

14

15 CHAIRMAN LOHSE: I don't know how to ask
16 this, but how come instead of all the residents of the
17 Prince William Sound area, why wasn't it like we done
18 before, a number of times, rural residents of the Copper
19 River basin or something like that, which would be much
20 more applicable than Prince William Sound and all the rest
21 of that? Because that would include the communities that
22 live on the Copper River, but it wouldn't -- I mean if we
23 want to we can add other communities to it, but that would
24 seem to make more sense to me than to have Prince William
25 Sound and.....

26

27 MS. PETRIVELLI: Uh-huh. Well.....

28

29 CHAIRMAN LOHSE: Is that a generic term
30 that includes all of the Copper basin?

31

32 (No audible responses)

33

34 CHAIRMAN LOHSE: It is?

35

36 MS. PETRIVELLI: No.

37

38 MR. BOYD: I'm not sure.

39

40 MS. PETRIVELLI: No, I don't think there's
41 a generic term for the Copper basin.

42

43 CHAIRMAN LOHSE: I mean.....

44

45 MS. PETRIVELLI: And then we could just
46 individually name each one of the communities, but my very
47 original staff analysis just had the resident zoned
48 communities of the park.

49

CHAIRMAN LOHSE: The resident zoned

00111

1 communities of the park.

2

3 MS. PETRIVELLI: And there's 17
4 communities, so -- and those 17 would not include Cantwell.
5 And if you go to page 60, and I could tell you -- well --
6 but that would just be listing the communities, so in the
7 regulations you can just list communities, and that has
8 been done in the past, and you could pick and choose. But
9 with the resident zoned communities it would be
10 Chistochina, Chitina, Copper Center, Gakona, Gulkana,
11 Mentasta, Tazlina -- well, actually it would be all of
12 those down to Chenega. You would leave off Chenega,
13 Cordova, Paxson, Tatitlek and Whittier. So you would just
14 -- and Cantwell, those would be the ones you would leave
15 out.

16

17 MR. ELVSAAS: Mr. Chairman.

18

19 CHAIRMAN LOHSE: Yes, Fred.

20

21 MR. ELVSAAS: It's my understanding that
22 the Copper River Native Association wanted this Chitina
23 area to alleviate the pressure of the urban people coming
24 in and forcing them off the river which would give them an
25 area to fish. And now, if I read the recommendation right,
26 we're saying we're going to bring in Prince William Sound
27 people, but not the up river people; is that right?

28

29 MS. PETRIVELLI: Well, okay. In the
30 Glennallen Subdistrict all the residents of the Prince
31 William Sound currently have a customary and traditional
32 use determination for salmon in the Glennallen Subdistrict
33 and so I expanded the analysis to make is somewhat parallel
34 and easier for regulatory users. But even all of those
35 communities involved is 3,143 people. And all of those
36 communities are rural communities, they're not considered
37 urban communities. They're qualified rural residents. And
38 I guess you could refer to the chart and see -- all of
39 them, except for Chenega have applied for permits for using
40 in the Copper River basin in the past.

41

42 MR. DEMENTI: Can I ask a question?

43

44 CHAIRMAN LOHSE: Sure.

45

46 MR. DEMENTI: I think Cantwell is
47 considered rural.

48

49 CHAIRMAN LOHSE: Oh, yeah. And they're

50 included in the analysis, it's just -- well, they're in

00112

1 there, it's just when you say only the Prince William Sound
2 area and then that's why it would be plus Cantwell and Tok
3 and Chisana. Which I -- it was a mistake to leave them
4 off. And they were requested by Ahtna.

5
6 MR. DEMENTI: It looks like such a big vast
7 area, you know.

8
9 MS. PETRIVELLI: Uh-huh.

10
11 MR. DEMENTI: Would we know these -- all
12 these people are going to have to submit an application for
13 C&T.....

14
15 MS. PETRIVELLI: No, you.....

16
17 MR. DEMENTI:in all those areas?

18
19 MS. PETRIVELLI: You would be granting them
20 C&T because that's how granted.

21
22 MR. DEMENTI: You would be granting them,
23 they wouldn't be applying for C&T?

24
25 MS. PETRIVELLI: No.

26
27 MR. DEMENTI: In other words, you wouldn't
28 do a study, just granting everybody?

29
30 MS. PETRIVELLI: That's what this study is.

31
32 MR. F. JOHN: Okay. Chenega, way down
33 south there, if we pass this with the staff recommendation
34 and it's passed by the Board, are they allowed to come up
35 in the Copper River and fish any time they want to during a
36 Federally opened season? Which I don't believe they have
37 customary and traditional in our area.

38
39 MS. PETRIVELLI: Uh-huh. Well, if.....

40
41 MR. F. JOHN: Because I don't think I have
42 customary and traditional in their area.

43
44 MS. PETRIVELLI: I think you might because
45 it's residents of the Prince William Sound area.

46
47 MR. F. JOHN: How did that Glennallen
48 District got this whole area to one big area where when do
49 moose and everything we did it differently?

00113

1 MR. BOYD: Let me.....

2

3 MR. F. JOHN: I just want to know, I mean,
4 how you guys completely change from ground animal to a fish
5 and just made it, I mean, the whole area C&T.

6

7 MR. BOYD: Maybe I can shed some light on
8 this. When we were developing the regulations for wildlife
9 we used the same geographical units, the game management
10 units is what the State calls them, so that when people
11 were looking at State regulations and Federal regulations
12 they could compare them easily. When were developing
13 fishing regulations we also adopted the State fishery
14 management areas, if you will, and so those are different
15 from game management units. So when were talking about, in
16 this case, the Prince William Sound area, if you look on
17 page 38 of the fish regulations booklet, you'll kind of get
18 a sense of what we're talking about.

19

20 MS. PETRIVELLI: You mean the map?

21

22 MR. BOYD: The map, yeah. So it's a
23 different area than GMU-13, for example, or GMU-11. I'm
24 not sure that answers your question. So when we deal with
25 fishery regulations and fish C&T we're dealing with a
26 different set of geographical areas, even though they may
27 overlap a bit.

28

29 CHAIRMAN LOHSE: In other words, what
30 you're saying is we're not dealing with Unit 11, Unit 13,
31 Unit 6.....

32

33 MR. BOYD: No, you're dealing with.....

34

35 CHAIRMAN LOHSE: We're dealing with
36 watersheds.

37

38 MR. BOYD: We're dealing with watersheds,
39 right. Which GMUs sometimes are.....

40

41 CHAIRMAN LOHSE: Yeah.

42

43 MR. BOYD:but they're laid out a bit
44 different geographically than the fishery management areas.

45

46 CHAIRMAN LOHSE: Well, I haven't heard a
47 motion on the floor yet to either take the -- you know,
48 what we can do is we can.....

49

MR. F. JOHN: I'd like to make a motion to

00114

1 adopt the CRNA proposal to start out with and then more
2 study come forth we could go on put in more and more,
3 whatever, without the staff recommendation.

4

5 CHAIRMAN LOHSE: Do I hear a second?

6

7 MR. DEMENTI: Second.

8

9 CHAIRMAN LOHSE: It's been moved and
10 seconded to adopt the CRNA proposed regulation, which is
11 the Chitina Subdistrict is opened for Federally qualified
12 subsistence users from the villages of Chitina, Cantwell,
13 Chistochina, Copper Center, Gakona, Gulkana, Mentasta and
14 Tazlina.

15

16 MR. F. JOHN: And I'd like to make a
17 comment. CRNA adopted this for the eight villages and I
18 believe we could have some -- you know, it could be
19 expanded because they don't want to exclude anybody that
20 are C&T, Upper Tanana and all. So to avoid confusion right
21 in mine, I'd just rather go with CRNA recommendation.

22

23 CHAIRMAN LOHSE: Okay. We now have it on
24 the floor, do we have a second?

25

26 MR. F. JOHN: Yeah, he seconded.

27

28 MR. DEMENTI: I seconded it.

29

30 CHAIRMAN LOHSE: Oh, Gilbert seconded it,
31 okay. Okay. Now we have it on the floor, it's opened to
32 discussion.

33

34 MR. F. JOHN: I already discuss it.

35

36 CHAIRMAN LOHSE: Now, let's discuss it.

37

38 MR. ELVSAAS: Well, I support the motion
39 and I do believe that if the Prince William Sound villages,
40 including Chenega if they wish to make a proposal to be
41 included in that, that should be considered at that time.
42 But at this time viewing the area, I have to agree that
43 these are the people directly concerned and that it's
44 within their district, if you will. And with that I
45 support the motion.

46

47 CHAIRMAN LOHSE: Gilbert.

48

49 MR. DEMENTI: I think at a later time other

50 village could put in a proposal to be added on, so I don't

00115

1 see why we can't pass this one now.

2

3 CHAIRMAN LOHSE: Fred, you got anything
4 more to say?

5

6 MR. F. JOHN: No, I said it.

7

8 CHAIRMAN LOHSE: Well, I'll say something
9 then as Chair. And we've discussed this before, I don't
10 think you can have the communities of Copper Center, Gakona
11 and Chitina, without including the rural residents of Kenny
12 Lake and along the highway system there. I would think
13 that what you'd have to do is you'd have to say, at least,
14 the rural residents of the Copper River basin. In other
15 words, of the road system right there that's there. And
16 then the question was, was whether we wanted to include the
17 Upper Tanana. And so the proposal could be modified to
18 read Chistochina, Copper Center, Gakona, Gulkana, Mentasta,
19 Tazlina, rural residents of the Copper River basin and
20 Upper Tanana, if you wanted to include the Upper Tanana,
21 you know.

22

23 But it's going to be pretty hard to get it to fly
24 for just the villages and exclude the people between the
25 villages that live right there, too, because it says -- you
26 know, it's rural Native and non-Native.

27

28 MR. ELVSAAS: I didn't realize there were
29 some being excluded.

30

31 CHAIRMAN LOHSE: Yeah. Because this just
32 includes people that are in the villages.

33

34 MR. ELVSAAS: My desire in this, Mr. Chair,
35 is to be sure that the people living on the river have a
36 right to fish.....

37

38 CHAIRMAN LOHSE: Right.

39

40 MR. ELVSAAS:in this area and if it's
41 going to be for residents, it should be for all the
42 residents.

43

44 CHAIRMAN LOHSE: Right. So it's up to us
45 to decide whether, at this point in time, we have enough
46 information to include the Upper Tanana. The Upper Tanana
47 has put in a -- there's a proposal coming up to include the
48 Upper Tanana in the Glennallen Subdistrict, which is the
49 farther up district. And whether we want to include it, at

50 this time, in the lower subdistrict is basically up to the

00116

1 Council.

2

3 MR. ELVSAAS: It would be my feeling that --
4 I don't believe that the Upper Tanana people would have a
5 lot of heartburn if they were include the Glennallen and
6 not in the Chitina. I may be way off base saying that, but
7 on the other hand, they want to participate in the Copper
8 fishery, and I think that's well and good, but here we're
9 looking at an area for people that are using the river and
10 on the river and they want this area for an opportunity to
11 get fish without being forced off the river. And so I
12 believe an amendment is in order to include those villages
13 along the Copper that are excluded.

14

15 MR. F. JOHN: Rural residents?

16

17 CHAIRMAN LOHSE: Yeah, rural residents.
18 Gilbert.

19

20 MR. DEMENTI: I'll withdraw my second.

21

22 CHAIRMAN LOHSE: No, your second is on
23 there, we need to amend the motion.

24

25 MR. DEMENTI: Oh, amend the motion.

26

27 CHAIRMAN LOHSE: Somebody needs to make a
28 motion to amend the motion, if we're going to do it.

29

30 MR. ELVSAAS: I dearly would like to amend
31 this motion, but I don't know all the villages that are
32 being excluded. So I would like to amend the motion to
33 include the rural people along the.....

34

35 MR. F. JOHN: The highway, yeah.

36

37 MR. ELVSAAS:Copper River.

38

39 CHAIRMAN LOHSE: Yeah, the rural residents
40 of the Copper River basin probably would cover it.

41

42 MR. ELVSAAS: So that nobody on the river
43 is excluded that's rural.

44

45 CHAIRMAN LOHSE: Yeah.

46

47 MR. ELVSAAS: Does that make sense?

48

49 CHAIRMAN LOHSE: Would this be a thorough

50 enough definition? We've used it before. One way to look

00117

1 at it would also be to look at what we did when we dealt
2 with black bear and a few things like that where we
3 included rural residents of the Copper River highway system
4 or whatever.

5

6 MR. BOYD: I think I understand what you're
7 trying to get at, but it might be helpful if you looked at
8 a list of communities or looked at the map and maybe said
9 from here to here, so we have a real clear picture, so we
10 don't make any error when we go back and try to interpret
11 what you've done.

12

13 CHAIRMAN LOHSE: That's a good idea, so
14 that would work out fine because we could do that.

15

16 MR. BOYD: I mean the Copper River basin,
17 in my mind, means all the communities that live within the
18 proximity of the Copper River and/or its tributaries
19 and.....

20

21 CHAIRMAN LOHSE: That's the Copper River
22 basin.

23

24 MR. BOYD: Right. And.....

25

26 MS. PETRIVELLI: On page 58 there's a map.

27

28 MR. BOYD: On page 58 there's a map. Does
29 it include all the communities? Yeah, it does. And I
30 would interpret that to mean from Mentasta Lake,
31 essentially south including all the communities to.....

32

33 CHAIRMAN LOHSE: All the communities to
34 Kennicott.

35

36 MR. BOYD: That's where I need help, I
37 don't know where you would draw the line to the south.

38

39 MS. PETRIVELLI: And then Cantwell and
40 Nebesna and Chisana are.....

41

42 MR. ELVSAAS: Haley Creek is the southern
43 boundary.

44

45 CHAIRMAN LOHSE: Haley Creek is the
46 southern boundary, right.

47

48 MR. BOYD: Okay. Haley Creek being the
49 southern boundary, so -- and then I guess all the way up to

50 McCarthy?

00118

1 CHAIRMAN LOHSE: Uh-huh, but that would
2 leave Valdez out on this map right here.

3
4 MR. BOYD: Right.

5
6 CHAIRMAN LOHSE: But that's all the
7 communities that are on the Copper River drainage right
8 there.

9
10 MR. BOYD: So it would include Kenny Lake
11 and.....

12
13 CHAIRMAN LOHSE: It would include Kenny
14 Lake, Glennallen, Tazlina, Copper Center, Lower Tonsina,
15 Chitina, Tonsina, Kennicott, McCarthy, Slana, Chistochina
16 and Mentasta, Gakona, Gakona Junction. Does that -- that's
17 one, two, three, four, five, six, seven, eight, nine, 10,
18 11, 12, 13, 14, 15.

19
20 MS. PETRIVELLI: And it would leave out
21 Cantwell and then Tok, Nebesna and Chisana which are on the
22 other so.....

23
24 CHAIRMAN LOHSE: Uh-huh.

25
26 MS. PETRIVELLI: But I don't know --
27 there's a question about Nebesna and Chisana exactly what
28 part. And then Tok was considered because it was a
29 resident zoned community of the park.

30
31 CHAIRMAN LOHSE: Yeah, because like Gloria
32 said, we're not looking at resident zoned communities for --
33 or, like Devi said, we're not looking at hunting resident
34 zoned communities, we're looking at ones that would have
35 access to the river right there.

36
37 MR. BOYD: What about those communities up
38 to Gulkana, and I don't really know the areas as well as
39 maybe some of you do, but.....

40
41 MS. PETRIVELLI: Paxson.

42
43 MR. BOYD:Paxson is at the upper end
44 there of the Gulkana watershed, which flows into the
45 Copper.

46
47 CHAIRMAN LOHSE: Yeah, there's Meyers'
48 Lake, Paxson. We never dealt with them before.

49

MR. F. JOHN: Yeah.

00119

1 MR. ELVSAAS: Those are drainages?

2

3 CHAIRMAN LOHSE: Well, the Gulkana drains
4 into the Copper at Gakona. And the Gulkana is a major
5 spawning stream of the Copper River, one of the major
6 spawning streams of the Copper River.

7

8 Devi, could you clarify something for us, please?

9

10 MS. SHARP: I don't know if I can clarify
11 anything.

12

13 CHAIRMAN LOHSE: We got you all confused,
14 huh?

15

16 MS. SHARP: I think we need -- I think
17 we're right on the border of arbitrary and capricious,
18 we're throwing darts. I know where I think that line ought
19 to be. Gloria has a clear idea where she thinks that line
20 ought to be and I'm sure Fred, this Fred and that Fred have
21 a clear idea. Fred John, Junior and Fred [sic] Entsminger
22 have a clear idea and I'm sure it's not the same. I don't
23 want to pay for this multiple times over, I think we need
24 to do our homework.

25

26 The Federal subsistence organization has tried
27 really hard to keep the bar high in doing its homework and
28 doing a good job of research. My counsel, and I know this
29 is not my place, is to look at what CRNA proposed, see if
30 you can live with that and then let's do our homework on
31 these other villages and do it right so we only do it once
32 and we don't revisit it time and again. I think we have a
33 standard, let's keep to is, do the homework right, there's
34 good information out there, a lot of is very much geared
35 toward State subsistence rather than Federal subsistence,
36 but if we look at it under the Federal subsistence eye, I
37 think we'll have good guidance and rules. We're in the
38 beginning of this, let's try our very best to do it right
39 so we're not ironing out problems for the next 10 years.

40

41 Thank you. I'm trained, any questions?

42

43 CHAIRMAN LOHSE: Any questions for Devi?
44 Gilbert.

45

46 MR. DEMENTI: So this first -- well, we
47 didn't amend what Freddie said. So you would go with what
48 Freddie said, what CRNA said?

49

MS. SHARP: That's correct.

00120

1 MR. DEMENTI: Okay.

2

3 MS. SHARP: And then let's let the villages
4 or groups of villages put their request in or do a
5 comprehensive study, and do it right.

6

7 CHAIRMAN LOHSE: Frank.

8

9 MR. ENTSMINGER: Council member, yeah,
10 actually what Devi is saying, you know, makes some sense,
11 but the only problem it presents is, you know, your
12 regulation goes into effect with only the Copper River
13 villages and then everybody else is excluded, so they're
14 actually kind of like breaking the law until the next year
15 when they can get their, you know, proposal in and get
16 their name on the book. So it's kind of a Catch-22 what
17 you want to do, it's -- but it's your call.

18

19 Thank you.

20

21 CHAIRMAN LOHSE: Gloria. I need to ask you
22 a question, too.

23

24 MS. STICKWAN: I just want to respond to
25 that last comment that was made, he said you were breaking
26 the law if you do what you're going to do. You also break
27 the law, too, if you don't follow what the regulations
28 state, you have to base it on C&T who has use of the Copper
29 River. Right now, at this point, you don't have C&T
30 studies for Whittier, Tatitlek, you don't have studies for
31 other communities that are on there and other communities
32 that are not on the list that should be listed on there, so
33 you're breaking the law by doing that, too.

34

35 What I'm trying to say here is that you need to do
36 C&T studies. There is no question that Ahtna people use
37 the Chitina Subdistrict area, there's no question in
38 anybody's mind. If you adopt this what Fred said, let
39 other people come in and put in their C&T proposal and
40 determine it based on C&T, of their use. You need to have
41 C&T studies done for other communities, you can't adopt it
42 -- pass something without studies being done. Right now
43 there's so much proof right now that the eight villages
44 have used the Copper River, there's no question about it.

45

46 CHAIRMAN LOHSE: Questions for Gloria?

47

48 (No audible responses)

49

CHAIRMAN LOHSE: I have one, Gloria. Now,

00121

1 are you talking about the villages or villagers? Because
2 I'm thinking of some members of the Chitina village who
3 live in Kenny Lake, my sister-in-law, for example. That's
4 why I know that we have people who are members of villages
5 who don't live in the villages that live along that road
6 system.

7
8 MS. STICKWAN: Well, then we should be fair
9 to everyone. I was just saying that if they want to put
10 one in, put one as well as everybody else.

11
12 CHAIRMAN LOHSE: Okay. That's what I'm
13 getting at, though, is where would the dividing line be
14 with.....

15
16 MS. STICKWAN: I can make you what I think,
17 what I think should be. I think it should be the eight
18 villages, the cutoff should be at the Copper River delta
19 where the Prince William Sound communities, and I can't
20 really list what those communities are, but they should
21 have south of Copper River delta for the Prince William
22 Sound area. Slana River north would be the C&T for the
23 Upper Tanana villages which would include Dot Lake, Tetlin,
24 Northway and the other fourth one, Tanacross.

25
26 CHAIRMAN LOHSE: Okay. I guess what I'm
27 asking, though, is the proposal lists eight villages, but
28 some of the people who are members of those villages live
29 in other communities that are interspersed in those
30 villages, so are you talking about people who live in a
31 specific geographic area or are you -- you know, that's
32 what I'm getting at, it's like I said, my sister-in-law is
33 a member of the Chitina village, but lives in Kenny Lake,
34 it's part of that Copper basin highway road system right
35 there. Under your proposal, would they be.....

36
37 MS. STICKWAN: I wouldn't have a problem
38 with the communities that are along the highway that are --
39 that's my opinion. Kenny Lake, like because they're within
40 the Copper basin area.

41
42 CHAIRMAN LOHSE: And they also have people
43 who belong to villages living in them. I mean they're not
44 living in the village, but they're members of those
45 villages, but they don't live in the villages, they live
46 in, you know, Silver Springs or Kenny Lake or one of those
47 along there. So they would have the same basic, you know,
48 use of the Copper historically, but they don't live in
49 actual -- in the village site. So that's what I mean, is

50 are you saying.....

00122

1 MS. STICKWAN: That's what I'm saying, I
2 wouldn't have a problem with that because they live within
3 the Copper basin area. I guess we need a good definition
4 of what Copper basin is.

5
6 CHAIRMAN LOHSE: Yeah, that's kind of what
7 I think, too.

8
9 MS. STICKWAN: And at the same time we need
10 C&T studies to prove that these people have used that area.
11 The other communities.

12
13 CHAIRMAN LOHSE: I think Faye had a comment
14 back there.

15
16 MS. F. EWAN: Hi, my name is Faye Ewan, I'm
17 from Copper Center. I also reside in a place call Dry
18 Creek that lives alongside the Gulkana Airport. I
19 understand the State regulations covers the rural area
20 regardless of where they live at. I understand this
21 customary and traditional users in these other areas that
22 are cover they can use the personal use permits or the
23 subsistence permit that they already regulate off the State
24 land. And according to this here it's traditional land
25 that they're using on these eight villages that surrounded,
26 it's their jurisdiction.

27
28 As a Federally recognized government, as a tribe,
29 they have the right to submit proposals that would help
30 their people benefit and use the subsistence on the river
31 or any watershed. And the Federal and State regulations
32 have never implemented any of the tribal government's
33 regulations that we have. We do not exclude anyone from
34 any kind of fishing on any customary traditional use, as
35 long as you can define it. What we're opposing is the
36 impact of what's going to happen if we open the door to
37 everyone, pretty soon all these traditional fish camps --
38 look at Chitina and O'Brien Creek, that used to be
39 Eskuldetas (ph) and the Billins (ph) camp. That is
40 something that I see needs to be protected.

41
42 And the customary and traditional use is completely
43 different what you guys define on these regulations books.
44 And as far as the territorial jurisdiction, you know, what
45 these people are asking for is protection, they're not
46 excluding anybody from any other area. And to use one
47 example, Doris Charles in Dot Lake is my father's aunt, who
48 is originally from Copper River. So if she comes to Copper
49 River, do you think we're going to turn her down for

50 fishing on the Copper River? No, the only people that are

00123

1 going to oppose is the State of Alaska and Federal
2 government, and all these people that come down here that
3 use our river for fishing, they're the only ones that are
4 offended against the Native people in the region.

5
6 What I'd like to see here is that since the State
7 already has regulations that, you know, subsidize for these
8 rural/non-rural residents users, there's got to be
9 somewhere protection has to come along that's in our
10 jurisdiction, we have tribal rights to close that land,
11 access to any of land if we want to, but we've never done
12 that. But if you guys keep on, you know, excluding use
13 area here -- there's enough controversial issues on the
14 table everywhere. On rural subsistence, non-rural
15 subsistence, your hunting regulations, fishing regulations,
16 are already targeted towards these Native people here. We
17 have to take a stand somewhere and start protecting our
18 land.

19
20 CHAIRMAN LOHSE: Any questions for Faye?

21
22 MR. ELVSAAS: You know, I appreciate you
23 comments and I think that -- would you support this concept
24 of amending this motion to make it opened -- the Chitina
25 area opened to the people from Mentasta Lake to Haley
26 Creek, including Kennicott and McCarthy?

27
28 MS. F. EWAN: I support the people, the
29 traditional users from Mentasta because I remember when I
30 was very young I used to see Katie John and her whole
31 family go to Chitina because John Billin (ph) was her
32 cousin, her husband's cousin, and they had a right to come
33 down there and fish on their land. So does any other
34 indigenous people in Alaska, we always shared, you know,
35 our food and -- I mean our fish camp with them. When we
36 were done fishing other families that didn't have access to
37 fishwheel, we let them use our fishwheel, we let them take
38 what they need, we didn't abuse anything. And I support
39 this amendment to include these people, but as long as CRNA
40 has submitted proposal to have a customary and traditional
41 use, these other communities are excluded. If they submit
42 a proposal and say they do have customary and traditional
43 use, yes, I do think we should recognize it.

44
45
46 But McCarthy and those people up there, those
47 people just came in there when the State of Alaska opened
48 up that country and that's not very long ago, but I don't
49 know how their access is to Chitina Sub, because I've never

50 been up in their community. But I do know, since I was a

00124

1 little kid that I seen Doris Charles and Katie John and
2 people from Northway and different areas come down the
3 Copper River and not all the way down to Chitina, but they
4 go to Chistochina. Annie Denny's family used to move to
5 Chistochina every year and, you know, there's different
6 places. People from Cantwell, my mother's late aunt,
7 Mrs. Tangy (ph) used to come all the way from there and
8 come down to our fish camp and use our wheel for a week,
9 they get their quota and they go back. That's how we took
10 care of each, we have traditional way of life here, I mean
11 it just not we just go throw a fishwheel in and go to the
12 bar and brag about how much fish we got, you know, what we
13 did with it. We share it, it's still distributed like
14 that.

15

16 MR. ELVSAAS: Mr. Chairman.

17

18 CHAIRMAN LOHSE: Yes, Fred.

19

20 MR. ELVSAAS: I don't want to belabor this,
21 but on the other hand I'm fearful of excluding some people.
22 And the lady that spoke just before mentioned some areas
23 are not customary and traditional area.

24

25 MS. F. EWAN: Uh-huh.

26

27 MR. ELVSAAS: What we're looking at is
28 making the Chitina area customary and tradition.....

29

30 MS. F. EWAN: It is.

31

32 MR. ELVSAAS:and allowing people, not
33 -- in other words, as I see it -- well, I may be wrong, but
34 say Kenny Lake is not customary and traditional at this
35 point, but yet those people would be able to fish there and
36 possibly the -- Mr. Chair, the previous lady wants -- she's
37 got her hand up, maybe she could answer that better.

38

39 CHAIRMAN LOHSE: Okay. Gloria. Faye,
40 thank you. I had one question I was going to ask you and I
41 lost it.

42

43 MR. ELVSAAS: I do that so often.

44

45 MS. STICKWAN: I didn't -- I wasn't
46 listening to your question, but I just had comment that I
47 wanted to say. Because of the proposal was written by
48 CRNA, we write proposals just for our villages because we
49 represent our villages and we don't want to represent other

50 villages -- other communities because we don't represent

00125

1 them, we represent our own villages, that's why these are
2 written like this. It isn't to exclude other communities.
3 I know as well as these other people that people in Kenny
4 Lake use the Copper River, Glennallen uses the Copper
5 River. My recommendation here would be that -- to form a
6 committee or a taskforce to look at the communities that we
7 know use this area, there's no question that they use this
8 area, the Copper basin communities, form a taskforce or
9 some kind of committee to sit down and say, yes, we know
10 these people use this based on their use of getting
11 fishwheel permits, you know. They've used this area.

12

13 The biggest question, which will always be a
14 question for everybody is, you know, what time and how long
15 they used this area. That will always be a question and
16 it's never been determined, that's always been a problem
17 with C&T. I think if you want to get C&T good
18 determination down you have to have the time limit in there
19 or years of when use is. The State of Alaska has
20 generation written into their C&T and that is 25 years.
21 I'm not saying adopt State C&T, I'm just saying that
22 somewhere we need to have C&T and a time period of what C&T
23 is so that we won't have this confusion all the time before
24 we come here.

25

26 We say people came from, you know, like Slana 20
27 years ago, the homesteaders came in there, does that give
28 them C&T or do they qualify as well as Ahtna do? That's a
29 question that's not answered and that always causes a
30 problem, and it always will until we determine -- somebody
31 makes the determination on the time period.

32

33 My suggestion right now is to form a taskforce and
34 come up with these communities of Copper basin and for
35 additional communities. We know Whittier doesn't have C&T,
36 we know Chenega Bay doesn't have C&T, we know that right
37 now. I mean, everybody knows that. We can make
38 recommendations on these communities if we had a taskforce
39 sitting down, working together.

40

41 That would be my recommendation. And also to put a
42 time period in C&T to determine, so we -- 20 years from
43 now, you have Federal government managing C&T 20 years from
44 now you're going to even have a harder time to determine
45 what C&T is, you're going to be just -- everybody will have
46 C&T 20 years from now because 20 years from now they will
47 used this area and it's going to be a problem. It will
48 always be a problem until there's a determination made on
49 C&T and a time period written into it.

00126

1 CHAIRMAN LOHSE: George.

2

3 MR. SHERROD: I'm going to try to move this
4 along a little bit. Because there is no season or bag
5 limit proposed, no one will be excluded from fishing next
6 year because there will be not an opportunity no matter who
7 you decide at this time. If you feel more comfortable
8 dealing with the communities proposed in the proposal, the
9 other communities still have an option of coming forward.
10 I think, to some degree, we all have a little bit of
11 discomfort with Chenega Bay and some of these outlying
12 communities. These communities were adopted from the State
13 regulations and they were published in the Proposed Rule.
14 And, to date, other than at this meeting, no one has come
15 forth that says, I don't like that, we should get rid of
16 those communities.

17

18 In this case we're creating a new fishery so they
19 never had anything, we're not taking anything away from
20 them. But the bottom line is no one will be hurt by the
21 decision you make this year. And, potentially, these other
22 communities could come forward with testimony next year
23 when we will probably have a seasons and bag limits,
24 methods and means proposal on the board and be included for
25 the following year's fishery.

26

27 CHAIRMAN LOHSE: Stay just for a second.

28 Terry.

29

30 MR. HAYNES: Mr. Chairman, I'll try not to
31 add to the confusion, but there's some statements being
32 made concerning something the State has done in
33 categorizing some of these communities. And I'm not sure
34 that all that is an accurate characterization. Some of the
35 data presented there are State data, but just exactly what
36 people are meaning when they're saying the State has lumped
37 these communities together in the way the have.

38

39 I think there's a fair amount of confusion about
40 how to proceed here and perhaps a time out would be good
41 where people could take a few minutes and think about what
42 might be the most efficient way to proceed so that you can
43 feel comfortable in making good recommendations for Federal
44 Board action. But those of us in this room who are going
45 to need to follow-up and either prepare additional
46 information or make different kinds of recommendations, we
47 can leave feeling that we know how to proceed as well.

48

49 CHAIRMAN LOHSE: While I've got you there.

50 I'm going to ask you a question that's been on my mind

00127

1 while listening to everybody. I think, in my mind, that
2 there some misconception here. And that is that if we do
3 find C&T for this area here, all of a sudden the current
4 State subsistence, personal use, whatever you want to call
5 it, fishery goes away and we've made more room for Federal
6 subsistence fishermen. Am I wrong in assuming that that
7 won't happen?

8

9 MR. HAYNES: Mr. Chairman, what you're
10 dealing with here is making a customary and traditional use
11 finding that would apply to what are defined as the Federal
12 waters in this area and not all of the waters in that area
13 are under Federal jurisdiction, so unless the Federal
14 government would, at some point, choose to extend its
15 jurisdiction, which is not a simple process, then your
16 actions here today in making recommendations to the Federal
17 Board would apply only to the waters that are defined as
18 Federal waters or Federal public lands.

19

20 CHAIRMAN LOHSE: And this water is defined
21 as Federal water, right?

22

23 MR. BOYD: (Nods head in the affirmative)

24

25 CHAIRMAN LOHSE: The Chitina Subdistrict is
26 defined as Federal water, am I correct in that? It's
27 directly adjacent to the national park.

28

29 MR. HAYNES: I guess I would defer to one
30 of the Federal people to indicate whether or not all of the
31 waters in the Chitina Subdistrict are Federal waters or
32 only a portion of them.

33

34 CHAIRMAN LOHSE: I think they all are.

35

36 MR. BOYD: Why is everybody looking at me?

37

38 (Laughter)

39

40 UNIDENTIFIED VOICE: We're ready for the
41 answer.

42

43 CHAIRMAN LOHSE: Theoretically, if they
44 were Federal waters and it was found for a C&T for Federal
45 subsistence in those waters, how would that affect the
46 current State subsistence/personal use fishery?

47

48 MR. HAYNES: The one step the Federal
49 Subsistence Board would have -- once there were seasons and

50 bag limits established, the State could continue to have

00128

1 regulations in this area, unless the Federal government
2 specifically close those waters and limited access only to
3 Federally qualified subsistence users. So it's hard to
4 access what the effect would be until we actually get
5 there, if we get there.

6

7 MR. BOYD: I agree with what Terry just
8 said. I think State regulations would still apply unless
9 specifically preempted by -- and the fisheries that the
10 State currently allows there would continue unless the
11 Federal Board specifically preempts or closes those areas
12 to non-subsistence uses. And that hasn't happened, we
13 don't have a proposal before us to do anything like that,
14 so none of that is on the table now, so I'm in agreement
15 with Terry in what he says there.

16

17 Regarding your earlier question regarding
18 jurisdiction, within the Chitina Subdistrict, the Copper
19 River actually, almost the entire length of the Copper
20 River is -- at least with regard to the Wrangell-St. Elias
21 National Park is on that -- on the exterior -- it actually
22 forms the exterior boundary of that park and preserve, and
23 so within the Chitina Subdistrict the entire segment there
24 of the Copper River is Federal jurisdiction.

25

26 CHAIRMAN LOHSE: And the Glennallen
27 District is also?

28

29 MR. BOYD: That's correct.

30

31 CHAIRMAN LOHSE: So theoretically if there
32 is a C&T found in the Glennallen District and the Chitina
33 District and Federally qualified subsistence users were not
34 getting the fish that they needed, all other fisheries in
35 those areas could be restricted?

36

37 MR. BOYD: Well, there's a potential for
38 that, yes.

39

40 MR. HAYNES: Yeah.

41

42 CHAIRMAN LOHSE: Any other questions for
43 Tom or Terry?

44

45 MR. ELVSAAS: I followed you until you said
46 potential.

47

48 (Laughter)

49

MR. BOYD: That's bureaucratese, I mean,

00129

1 I'm always hedging. It's in the future and I don't want to
2 say anything that would lead you down, one way or the
3 other, but the answer clearly is yes, they could be
4 restricted. So the key word there is could instead of
5 potential.

6

7 MR. ELVSAAS: Yeah. Thank you.

8

9 MR. BOYD: Let me just add a word. You
10 know, you're struggling here, but I think it's really
11 healthy and I think this is probably just as the statute
12 envisioned. I mean, you're here locally, gathering public
13 input, much of it conflicting and you're trying to sort it
14 out and you're trying to deal with people coming to you
15 with different views of this particular issue or any issue,
16 for that matter. But what you're dealing with, I think, is
17 quite normal and quite healthy, so I mean, you know, the
18 Board is going to be looking to you for a good
19 recommendation and it's not going to be easy coming, but I
20 think the process that we're about is very good, so don't
21 feel too ill at ease with this, but understand that it's
22 normal, I think.

23

24 CHAIRMAN LOHSE: Thank you. Any other
25 questions for Terry or Tom?

26

27 (No audible responses)

28

29 CHAIRMAN LOHSE: Thank you.

30

31 MS. GARDNER: Mr. Chair, Can I make a
32 comment, please?

33

34 CHAIRMAN LOHSE: Yep, might as well take a
35 comment and then we're going to take a break. And then we
36 have a motion on the table we have to work with.

37

38 MS. GARDNER: In the Upper Tanana there are
39 people who use the lower river as opposed to the upper
40 river, because they prefer the spatter fish. I don't -- I
41 mean, I talk to these people, yeah, I'm going dipnetting, I
42 don't -- I prefer to dipnet as opposed to going to use the
43 fishwheel. I can't say who they are right now -- I mean, I
44 could probably tell you a few, but as far as the number of
45 families that are actually impacted, no, I don't have the
46 information with me. And one of the ladies suggested that
47 we document this before making decisions. I think this
48 information is already available in that individuals have
49 to get dipnetting permits to proceed with dipnetting. I'm

50 not sure how many years could be looked at, you know, 20

00130

1 years or whatever, to get a grip on where these individuals
2 are coming from to use this fishery.

3

4 What I do have with me today, and I didn't bring it
5 up before because I thought it applied more to Proposal 19,
6 is a list of the individuals from this year who applied for
7 fishwheel permits from the Tok area or actually got them at
8 the Tok office. That information for dipnetting is not
9 available since the permits are gotten in the Chitina
10 office. I know I myself dipnetted and used fishwheels as
11 well, so I think that this is really important for the
12 Upper Tanana people and, certainly, Tok is the central
13 community there. And although the individuals and various
14 villages, Northway, Tanacross, Tetlin, Haley Lake and Dot
15 Lake are -- and that's probably around 600 people.
16 Although some of them are related to each other and then
17 certainly all of them have some relatives in Tok, I feel
18 it's important for the whole Upper Tanana.

19

20 And I would be glad to give you my information
21 regarding the fishwheel permits for this year that were
22 gotten in the Tok office if you'd like to have that. And
23 the thing about the fishwheel permits, and again this is
24 more related to Proposal 19 perhaps, but I'm not sure I'll
25 be here tomorrow, are the thing about the fishwheel permits
26 is that I've got three pages of individuals who have gotten
27 permits for this year and that does not really represent
28 the number of people who have used fish from those
29 fishwheels because -- you know, for example, on person, his
30 name listed in there and there's all sorts of relatives and
31 quite the extended family and neighbors and so on who get
32 some of those fish a lot of times. So I think that's very
33 important.

34

35 And again, any information that we can collect for
36 you to help make your decision I'll be glad to do so.

37

38 MR. F. JOHN: Mary.

39

40 MS. GARDNER: Yeah.

41

42 MR. F. JOHN: Mary Beth, right now we're
43 just talking about a little section, probably a quarter of
44 a mile, half a mile or whatever from down there.....

45

46 MS. GARDNER: Sure.

47

48 MR. F. JOHN:to open up to C&T and my
49 concern is that, you know, there are lake villages, my mom

50 and my dad had a camp there for a long time, '60s, '70s,

00131

1 you know.....

2

3 MS. GARDNER: Right.

4

5 MR. F. JOHN:and it was closed to us
6 by the State and they put in, I don't know what kind of a
7 fishery after that, closed to fishwheel. And my concern
8 right now is just to open it up to C&T and CRNA got one of
9 the best proposals out and with, you know, addition there
10 and everything. And it's not that -- I was always for
11 Tanana for hunting, when we had the hunting and everything.
12 And I know the history of Tanana, I know Northway, I know
13 Tanacross, Dot Lake and, you know, Tok.....

14

15 MS. GARDNER: Sure.

16

17 MR. F. JOHN:and it's right now my
18 thing, is just to open up C&T best we could where it'll
19 pass the Board and then, you know, we could -- you know,
20 the others could move in with there C&T and their bag limit
21 and whatever you had to come in. That's what I want to do
22 just open it up right now to the original villages that
23 fish there all the time. We know that Upper Tanana come
24 down and fish, we know that.

25

26 MS. GARDNER: Right.

27

28 MR. F. JOHN: And I don't know how long it
29 take, but that's how I'm thinking right now.

30

31 MS. GARDNER: Okay.

32

33 CHAIRMAN LOHSE: Any other questions for
34 Mary Beth?

35

36 (No audible responses)

37

38 MS. GARDNER: Thank you.

39

40 CHAIRMAN LOHSE: Thank you, Mary Beth.

41

42 MR. ELVSAAS: One question, ma'am. The
43 people from the Upper Tanana did they fish the Chitina area
44 or the Copper River or.....

45

46 MS. GARDNER: Both.

47

48 MR. ELVSAAS: Both, okay. Thanks.

49

CHAIRMAN LOHSE: Okay. Let's take

00132

1 ourselves a break until 4:00 o'clock or so, then we'll come
2 back. We have a motion on the table.

3

4 (Off record)

5

6 (On record)

7

8 (Off record comments - RE: lost glass case and
9 lunch menus for next two days)

10

11 CHAIRMAN LOHSE: And now we're back to the
12 motion we have on the floor. And the motion we have on the
13 floor is as written by Copper River Native Association.
14 The Chitina Subdistrict is opened to Federally qualified
15 subsistence users from the village of Chitina, Cantwell,
16 Chistochina, Copper Center, Gakona, Gulkana, Mentasta and
17 Tazlina.

18

19 We have no amendments on the table and it's opened
20 for discussion.

21

22 MR. ELVSAAS: Was there more input?

23

24 CHAIRMAN LOHSE: No, we're all done with
25 input, unless you want to call somebody back.

26

27 MR. ELVSAAS: Say what?

28

29 CHAIRMAN LOHSE: Unless you'd like to call
30 somebody back and ask them questions.

31

32 MR. ELVSAAS: No, I'm just.....

33

34 MR. F. JOHN: I'd like to call one person
35 back.

36

37 CHAIRMAN LOHSE: Yes. Who.

38

39 MR. F. JOHN: What's her name.

40

41 MR. ELVSAAS: Devi.

42

43 MR. F. JOHN: I just want to know if we're
44 breaking any laws.

45

46 CHAIRMAN LOHSE: Oh, we're not breaking any
47 laws.

48

49 MS. SHARP: Yes, sir.

00133

1 MR. F. JOHN: I just want to ask you a
2 question. If we just get these eight villages, would it
3 stand enough to pass into the -- by itself, would it stand
4 to get it to open up C&T down below Chitina? And another
5 question is, we don't have any information from any other
6 place, Upper Tanana, Chenega, or any of the area, and
7 myself I don't want to pass nothing where I don't get
8 information from. I don't want to say it's okay, you know,
9 I'd like to see staff input, the count input and
10 everything. All I want to know is if we're breaking any
11 kind of rules or regulations just getting these eight
12 village through, just to open up that for C&T.

13
14 MS. SHARP: No, I don't think we are
15 because the staff analysis clearly shows that there is
16 customary and traditional use by these eight villages of
17 that resource, that location and that resource, salmon,
18 between the McCarthy Bridge and Haley Creek.

19
20 MR. F. JOHN: Uh-huh.

21
22 MS. SHARP: So I think that's a fine
23 decision, I don't think there's any stepping over the line
24 on that one.

25
26 MR. F. JOHN: Yeah. And another question
27 is just opening up for C&T down here with these eight
28 villages, that's just for C&T, the other area could come
29 in, Upper Tanana or whoever, or Chenega Bay?

30
31 MS. SHARP: Absolutely. There's nothing --
32 as I understand this, there's nothing to say that after you
33 say, okay, we recommend adding these eight village, that
34 you can go on to the other proposal and make other
35 recommendation if they overlay properly.

36
37 MR. F. JOHN: Uh-huh.

38
39 MS. SHARP: I think you want to be clear so
40 that you're giving the Federal Subsistence Board good
41 guidance in what you really want. And I think that the
42 information is clearly there -- somewhere out there, but
43 not in our booklet, not at our hand for some of the
44 villages and I think it's not available for other, so I
45 think there's some homework assignments to be done. Some
46 of it is going to be easy, some of it is going to be
47 harder, just in response to that second questions.

48
49 MR. F. JOHN: Thank you, Mr. Chairman,

50 that's all I really wanted to know.

00134

1 CHAIRMAN LOHSE: Thank you, Devi.

2

3 MR. ELVSAAS: You know, I understand that
4 and I think the opportunity is there for everybody to
5 utilize or participate in this fishery by getting their
6 customary and traditional certifications. So I don't
7 believe, at this point, I will make an amendment or oppose
8 one, although I do feel that the Copper River fish should
9 be available to all the rural people on the Copper River.
10 So with that I believe that the Board will understand what
11 our intent is here and what we're trying to do. I was
12 visualize this as a first step, so I support the motion.

13

14 CHAIRMAN LOHSE: Anything further?

15

16 MR. F. JOHN: No.

17

18 CHAIRMAN LOHSE: Any discussion, comments?

19

20 MR. DEMENTI: No.

21

22 CHAIRMAN LOHSE: No other comments? Well,
23 I'll have to be the one that says that I'm going to have to
24 vote against it as it stands because it's not dealing with
25 communities, it's dealing with specific geographic
26 locations. And the communities extend, even the Ahtna
27 communities extend beyond those geographic locations. The
28 Chitina Ahtna Village extends beyond Chitina. The Gakona
29 Ahtna Village extends beyond Gakona and some of the people
30 from Tonsina and places like that, live in Copper Center
31 and they live on the outskirts of Copper Center. So I
32 honestly feel that it should be the residents of the Copper
33 River basin, however you want to describe them, because
34 they're all mixed together.

35

36 But having said that, if there's no further
37 discussion, the question's in order.

38

39 MR. F. JOHN: Question.

40

41 MR. DEMENTI: Question.

42

43 CHAIRMAN LOHSE: The question's been
44 called. All in favor of the proposal as submitted by CRNA
45 signify by saying aye.

46

47 MR. F. JOHN: Aye.

48

49 MR. ELVSAAS: Aye.

00135

1 MR. DEMENTI: Aye.

2

3 CHAIRMAN LOHSE: Oh, I mean my fault, I
4 asked the wrong question first. All in favor of the CRNA
5 proposal signify by saying aye.

6

7 MR. ELVSAAS: That's what you said.

8

9 MR. F. JOHN: That's what you said.

10

11 CHAIRMAN LOHSE: I said -- oh.

12

13 (Laughter)

14

15 CHAIRMAN LOHSE: I'm sorry. So let's take
16 the vote over, that was my fault, you don't put the opposed
17 first. I was just thinking backwards. So all in favor of
18 the proposal as submitted by CRNA signify by saying aye.

19

20 MR. F. JOHN: Aye.

21

22 MR. ELVSAAS: Aye.

23

24 MR. DEMENTI: Aye.

25

26 CHAIRMAN LOHSE: All opposed signify by
27 saying nay and I'll say nay for the reason I said before.

28

29 With that, let's go on to Proposal 16. Proposal 16
30 by Jerry.

31

32 MR. BERG: Yes, Mr. Chair. Boy, after that
33 proposal I thought I had a tough one, but I think this
34 might be easy compared to struggling through that one.

35

36 Thank you, Mr. Chairman, members of the Council.
37 For the record my name is Jerry Berg, I work for the
38 Federal Subsistence Office. As you know, I've attended
39 many of your Southcentral Regional Advisory Council
40 meetings as staff support and various roles and you know we
41 had change over as we staff up into fisheries as of this
42 past spring and I accepted one of the fishery biologists
43 positions. And as this new position I was assigned to
44 Proposal 16 and 17 and so with that I'll just launch into
45 Proposal 16.

46

47 Proposal 16 was submitted by the Copper River
48 Native Association to have a subsistence salmon season
49 opened year-round within the Glennallen Subdistrict. The

50 proposal states that the Ahtna people did not traditionally

00136

1 have a set season and, therefore, should have access to the
2 salmon anytime during the run.

3

4 Federal jurisdiction extends throughout the entire
5 Glennallen Subdistrict, basically the Glennallen
6 Subdistrict and the Copper River is bordered on one side by
7 the Wrangell-St. Elias National Park and Preserve and so
8 there is Federal jurisdiction throughout the subdistrict.
9 The customary and traditional use determination for salmon
10 in the Glennallen Subdistrict includes all residents of the
11 Prince William Sound area and season dates are June 1st to
12 September 30th.

13

14 Historically the Ahtna people began their
15 subsistence season with the harvest of salmon in late May
16 or early June, that's been documented in various reports.
17 There was also a study done by ADF&G and CRNA in 1996 and
18 they interviewed various people in the area, and one of the
19 case study respondents stated that the Ahtna did, indeed,
20 start fishing about May 25th historically and that there
21 was an early run of chinook that entered the Glennallen
22 Subdistrict in late May and early June.

23

24 The season dates of June 1st to September 30th have
25 been in place since at least the early '60s and maybe even
26 in the late '50s, I wasn't able to specifically identify
27 when those season dates were established. I suspect they
28 were established prior to statehood, but I wasn't able to
29 verify that, so they've been in place for quite some time
30 and when the State first required a fishing permit for that
31 area they did establish those season dates with the permit
32 of June 1st to September 30th. And then there were various
33 court actions and regulations in place throughout the
34 years, as you know, with designating the area as a
35 subsistence fishery and who the subsistence users were and
36 who wasn't and we just heard some of that recently. And
37 I've documented some of those key decisions.

38

39 One that I did want to point out to you was in
40 1996, the Board of Fish took action, which does affect this
41 proposal and that was that they took action in regards to
42 the Chinook Salmon Management Plan to reduce the harvest by
43 five percent in the commercial, personal use and sport
44 fisheries. They also took action in 1999, similar action,
45 to reduce the harvest, again by five percent, in the
46 commercial and sport fisheries.

47

48 Within the Copper River area, as you know, it's a
49 fully allocated fishery, there's the commercial fishery,

50 obviously down in the delta, then you have the subsistence

00137

1 fishery and sport fishery that occur further upstream in
2 the Upper Copper River. The Glennallen Subdistrict itself
3 extends for about 100 miles of distance, it goes from the
4 mouth of the Slana River down to the McCarthy Bridge. And
5 there's a map on page -- where is the map? I just lost the
6 map. Oh, that's all right I went right past it, 82, so
7 we've already gone passed the map. But, anyway, that shows
8 you where the Glennallen Subdistrict extends from.

9

10 And the season harvest limits in the Glennallen
11 Subdistrict are 30 salmon for a household of one or 60 for
12 a household of two, or you can also request permits that
13 allow for 200 salmon for a household of one or up to 500
14 salmon for a household of two people or more.

15

16 So, in general, that kind of outlines the fishery
17 itself. The participation, the 10-year average
18 participation has been about 50 percent of the resident --
19 50 percent of the participants were Copper River basin
20 residents and those residents harvested about 60 percent of
21 the fish, so they were harvesting more fish than the other
22 50 percent of the participants from other areas of the
23 state and, most likely, that's because they're using more
24 fishwheels. The local residents use fishwheel more than
25 other area residents coming in, and also they're probably
26 spending more time because they're closer to the fishery.

27

28 There is about 90 percent of the fish harvest are
29 completed by mid-August, so there isn't as much fishing
30 going on, even like this time of year, most of the fishing
31 has been completed. And, as you can see, in Table 1 on
32 page 85, there's a summary of the harvest totals by
33 fishery, the rural residents from basically in the Copper
34 River basin area as opposed to the non-local harvests. And
35 then the personal use or which is now subsistence and then
36 the sport and commercial users, obviously, are the biggest
37 harvester in the fishery.

38

39 There was an educational fishing permit issued to
40 the Ahtna Heritage Foundation in 1996 and 1997 and that
41 educational permit allowed the folks associated with that
42 permit to harvest salmon from May 20th to May 31st and so
43 that occurred in two different years and there were a
44 number of salmon harvested in both of those years and that
45 varied. The second year it did allow the harvest of
46 chinook salmon. There has not been a request to continue
47 that educational permit since.

48

49 There are three fishery management plans that help

50 guide harvest management on the Copper River. There's

00138

1 escapement goals identified in these plans and the managers
2 use these for in-season decision that they have to make to
3 guide the fishery. I've identified some of the harvest
4 goals for the various spawning escapements in subsistence
5 fisheries that are identified in those management plans and
6 tried to give a summary of -- kind of a broad summary of
7 the details of those management plans.

8

9 The potential impacts of this proposal to the
10 fisheries, obviously if we extend the season later, past
11 the September 30th date, it would affect coho salmon and
12 primarily the coho salmon are migrating up as far as the
13 Tonsina with the majority of the coho migrating up the
14 Chitina River drainage, and this is basically downstream of
15 the Glennallen Subdistrict and so there aren't a lot of
16 coho salmon migrating through the Glennallen Subdistrict.
17 I was not able to find any documented harvest of coho
18 salmon during the month of October but, of course, there's
19 been -- the season dates of September 30th have been in
20 place for some time.

21

22 If the season dates were extended on the early
23 portion of the run, obviously there would be sockeye and
24 chinook salmon in the river at the time. In general the
25 early run sockeye and chinook salmon are smaller and more
26 discrete stocks going up to spawning and areas and so there
27 is some caution, I guess, as to just pay attention, I
28 guess, that those stocks are a little bit more susceptible
29 to overharvest as opposed to the later fish coming in that
30 are larger in number.

31

32 And then, thirdly, there is the potential for
33 impacts to the rainbow trout and steelhead that would
34 migrating through that area that need to be considered.
35 The steelhead, basically, enter the Copper River this time
36 of year, September and October, migrate up, overwinter and
37 spawn in the springtime and then some of the fish do
38 survive and then head back out to the ocean in the
39 springtime. And so we certainly do need to -- I would urge
40 you to consider that, the steelhead population. There's
41 not a lot known about the steelhead population as far as
42 the population size, even though we don't expect that that
43 population is real large and expanding the season certainly
44 would increase incidental capture and some mortality of the
45 migrating steelhead.

46

47 So, basically, that brings me to the bottom line.
48 The preliminary conclusion would be to support the proposal
49 with the modification to have the season dates be opened

50 from May 15th to September 30th. We feel that this would

00139

1 allow for the fishery to continue throughout the duration
2 of the salmon run in the Glennallen Subdistrict because
3 most of the fish do show up in mid-May and that would allow
4 people to fish a little bit earlier in May towards the end
5 of May for those early run chinook and then there's really
6 not much documented harvest of the coho salmon in the
7 Glennallen Subdistrict as they migrate the systems before
8 they get to the Glennallen Subdistrict.

9

10 And then, of course, with the concern of the
11 rainbow and steelhead trout migrating down through the
12 system on the way back out to the ocean in late May there
13 is some concern about those fish being overharvested in
14 that population and so I'm recommended fishwheels operating
15 prior to June 1st, which would basically be from May 15th
16 to June 1st, be equipped with a live box or monitored at
17 all times to release those rainbow or steelhead.

18

19 And so that's all I have, Mr. Chair. If you have
20 questions I'd be happy to answer any questions.

21

22 CHAIRMAN LOHSE: Does anybody have any
23 questions for Jerry? Fred, do you have a question?

24

25 MR. F. JOHN: Yeah, do we have C&T in the
26 Glennallen Subdistrict?

27

28 MR. BERG: Yes, C&T extends to all Prince
29 William Sound area residents in the Glennallen Subdistrict.

30

31 MR. F. JOHN: Federally?

32

33 CHAIRMAN LOHSE: Federal C&T.

34

35 MR. BERG: Federal C&T correct, yes.

36

37 CHAIRMAN LOHSE: Jerry, one question on the
38 rainbows going downstream in spring, when rainbows are
39 going downstream, do they swim downstream or do they drift
40 downstream facing upstream?

41

42 (Laughter)

43

44 CHAIRMAN LOHSE: Well, it makes a
45 difference, because if they swim downstream they don't get
46 caught in fishwheels.....

47

48 MR. BERG: That's right.

49

CHAIRMAN LOHSE:if they drift

00140

1 downstream facing upstream then they get caught in
2 fishwheels.

3

4 MR. BERG: Yeah, I mean that's a valid
5 point and, you know, it -- I think that they increased
6 capture of those fish migrating downstream would be
7 minimal, but it would be an increased harvest opportunity
8 or, you know, affect on that fishery. You know, those
9 fish, I think -- they're certainly migrating downstream,
10 but I'm sure stop and rest and would get caught in those
11 fishwheels operating at that time. I think it would be
12 minimal, but I'm sure it would occur to some degree and
13 there would be some associated increased impact to that
14 fishery.

15

16 CHAIRMAN LOHSE: And one other question.
17 When you were talking about earliest reported catch of
18 salmon in the copper river, I think you had like May 25th
19 or something like that, if I remember right. I know when I
20 first came -- 30 years ago, anyhow, or longer, I won't say
21 how much longer, I always heard rumors, I'll put it that
22 way, of red salmon that came up underneath the ice and were
23 known to be in certain place and some of the locals claim
24 to eat red salmon as early as April. And I know that they
25 have been taken in whitefish nets in Eyak Lake as early as
26 April, late March, very small runs, you know, but they used
27 to -- the commercial fishery used to open May 1st, it
28 hasn't for as long as I can remember, but it used to at one
29 time for fish that were coming up then. In all of your
30 discussion and talking to people, you didn't get any
31 reports of fishing coming back earlier than May?

32

33 MR. BERG: No, I haven't heard reports of
34 that, but certainly I would be, you know, I would be
35 interested in hearing some testimony or reports of that at
36 the Council meeting. And I was hoping to hear some reports
37 of harvest and fish returning earlier. But, yeah, the
38 reports and documentation I was able to find all referred
39 to late May is when the first harvest occurred, but not all
40 the information that's available is documented, so I
41 certainly recognize that.

42

43 CHAIRMAN LOHSE: Well, I can particularly
44 remember one of my friends that I knew a long, long time
45 ago talking about dipping some early reds in some of the
46 back eddies while there was still ice on the river, but
47 where the back eddies had opened up. And I was just
48 wondering if that was a substantiated rumor or a fish
49 story.

00141

1 MR. BERG: Yeah, I'd like to hear that
2 myself, actually.

3
4 CHAIRMAN LOHSE: I mean that would be more
5 justification for having the season open.....

6
7 MR. BERG: Uh-huh, yes, it would.

8
9 CHAIRMAN LOHSE:you know, all year as
10 opposed to, well, picking another date.

11
12 Fred, you got any comments, questions for Jerry?
13 Go ahead.

14
15 MR. ELVSAAS: The early fishery -- of
16 course we're looking at and an additional two weeks
17 earlier, if it's approved. When the fishing starts, is
18 there substantial amount of steelhead taken? What are we
19 talking about, is it large numbers of trout being taken or
20 is it just occasional or -- I have no feel for how the
21 steelhead run is in the Copper.

22
23 MR. BERG: Yeah, my understanding is that,
24 you know, there's not a lot of information about the
25 steelhead, but in talking with some of the local Fish and
26 Game folks they estimated that the harvest was about 100
27 steelhead migrating through the Glennallen Subdistrict and
28 so it is fairly minor, but the population is also fairly
29 low, which is why I suggested that we impose that live box
30 restriction just to minimize the impacts.

31
32 MR. ELVSAAS: Well, I agree with trying to
33 minimize the catch, but I'm just wondering, is it a big
34 factor, is that, you know, half of the fish in the river or
35 a fourth of the fish in the river or 10 percent, you know?
36 And, of course, when I look at things like this when they
37 want to fish year-round, I feel that if somebody wants to
38 go drift gillnetting in Cook Inlet or run a fishwheel up in
39 the river in November, I see no problem with that, they're
40 happy fishing, they're not catching anything, the fish are
41 long gone, but.....

42
43 (Laughter)

44
45 MR. ELVSAAS: Well, I've been told many
46 times that the concept is fishing, not catching, and I've
47 had that happen more than once. But, you know, I just
48 wondered, you know, if the fishery -- well, today is after
49 the 15th, is there an effort on the river right now? Do

50 you know of any effort?

00142

1 MR. BERG: I'm not aware of any and
2 certainly encourage Fish and Game staff if they want to
3 provide any more input, but -- and, you know, that's
4 unfortunately the situation were in, is we don't have a lot
5 of information right now. I know that there are some
6 studies proposed with some of the Federal subsistence
7 monies to do some projects and do some more studies and I'm
8 -- I'll imagine you'll be hearing about those at the winter
9 meeting and learning a little bit more about what's being
10 proposed for those studies. But, unfortunately, we just
11 don't have that information available right now.

12

13 MR. ELVSAAS: Thank you. That's all I
14 have.

15

16 CHAIRMAN LOHSE: Jerry, those rainbows that
17 are caught or steelhead that are caught, currently they're
18 being caught later in the season, aren't they? Their not
19 being caught in the early part of the season, they're being
20 caught in July, August, September. And are you proposing
21 the live box for that time of the year then?

22

23 MR. BERG: My understanding is that, you
24 know, I think the majority of the captures of steelhead are
25 probably occurring this time of year as the steelhead are
26 coming up, but there is some capture that occurs also in
27 the springtime or, you know, even in that early June period
28 when the fishery does open up with some of those steelhead
29 dropping back down through the river system. Even though I
30 would guess that it's less than the capture that -- or that
31 the fishery is occurring right now.

32

33 CHAIRMAN LOHSE: But I mean out of the
34 hundred steelhead that were caught, I was wondering is what
35 was the time frame? What months were they caught in?

36

37 MR. BERG: Right.

38

39 CHAIRMAN LOHSE: I mean, were even any of
40 them reported from the early part of the season or were
41 most of those reported in the latter part of the season?

42

43 MR. BERG: That, I couldn't answer.
44 Certainly if any Fish and Game folks -- I got that
45 information from Tom Taube, so maybe he can give us a
46 little bit better idea.

47

48 MR. TAUBE: Yes, the greatest harvest we
49 ever had was 100 fish in one season, generally it's around

50 30 to 40, and the majority of those are caught in, you know

00143

1 -- there's a handful that are caught in July, the majority
2 are caught in August, September.

3

4 CHAIRMAN LOHSE: Okay. So a live box early
5 in the season wouldn't really impact steelhead very much?

6

7 MR. TAUBE: There's -- it gets that time of
8 year, a lot of time we question identification if there are
9 fish in there. You'd have to look at each individual year,
10 there may be one or two that are caught in June, early on,
11 and then if there are some caught or if there are some that
12 are missed or even misidentified, you know, are the salmon
13 that someone just thought they looked more like a steelhead
14 or something. But, yeah, early on there's generally very
15 few of that total harvest is in June.

16

17 CHAIRMAN LOHSE: That's what I was
18 wondering, would there be any justification for a live box
19 in the early season when, if we're talking 30-40 for the
20 whole season, and the majority of them in August and a few
21 in July and a couple in June, we're probably talking not --
22 probably a big year would be a couple of them in May.

23

24 MR. TAUBE: Yeah, there are some fish that
25 migrate up in the spring.....

26

27 CHAIRMAN LOHSE: Right, that's what I was
28 going to ask you.

29

30 MR. TAUBE:that reside in the Copper
31 and those would be the ones that would be getting hit
32 earlier on because they would be moving up at that time the
33 earlier season would occur.

34

35 CHAIRMAN LOHSE: They overwinter in the
36 Copper and the head up to the.....

37

38 MR. TAUBE: Yes. Yeah.

39

40 CHAIRMAN LOHSE: Because I thought that
41 took place, but I wasn't sure. Thank you.

42

43 MR. TAUBE: Okay.

44

45 CHAIRMAN LOHSE: Anybody else got any
46 questions for him?

47

48 (No audible responses)

49

CHAIRMAN LOHSE: And, Fred, in answer to

00144

1 your question about whether there's any fishwheels now,
2 when I came across the Copper River Bridge there was one
3 fishwheel operating and there was some people camped at the
4 shore right next door to it, so, you know, I know there's
5 one operating.

6

7 Any more questions for Jerry on this?

8

9 (No audible responses)

10

11 CHAIRMAN LOHSE: So your recommendations
12 then were -- can you go back over them?

13

14 MR. BERG: Sure. The recommendation --
15 stick with 16 here, was to extend the season dates for the
16 Glennallen Subdistrict from May 15th to September 30th, so
17 basically that would extend the season for 15 days into May
18 and then basically require that fishwheels operating prior
19 to June 1st be equipped with a live box or monitored at all
20 time to be -- and to release steelhead caught in the
21 fishwheels.

22

23 CHAIRMAN LOHSE: Okay. Any other questions
24 for Jerry?

25

26 (No audible responses)

27

28 CHAIRMAN LOHSE: Thank you. Alaska
29 Department of Fish and Game.

30

31 MR. HAYNES: Thank you, Mr. Chairman. The
32 Department's comments on the original proposal you'll find
33 on page 93. In looking at the staff analysis, the change
34 in season dates does address some of the Department's
35 concerns. We believe that there are a very small number of
36 fish that are available prior to the middle of May and the
37 Department does have some concern about the early run
38 salmon stock and the rainbow trout and steelhead stocks,
39 there are only small numbers of those fish available
40 generally, so there is the potential for overharvest. So we
41 generally support what the current recommendation is for
42 the May 15th opening and the -- it's really unclear how
43 critical the live box requirement is in the early season,
44 but it is something that we do support at this point. We
45 may have additional comments based on the outcome of your
46 deliberations today.

47

48 CHAIRMAN LOHSE: Okay, any questions for
49 Terry?

00145

1 (No audible responses)

2

3 CHAIRMAN LOHSE: Okay, thank you, Terry.
4 We might call you back again. At this point in time I have
5 -- I'll just start as I grab them, I have -- oh, let's take
6 our written comments first.

7

8 MS. WILKINSON: Okay.

9

10 CHAIRMAN LOHSE: Do we have any written
11 comments?

12

13 MS. WILKINSON: Yes, you do. On Proposal
14 16, I'll re-read CDFU's, Cordova District Fishermen United.
15 I'm sure it's gone by now from your mind. They were
16 opposed to this proposal as it provides no information as
17 to what the changes to seasons and harvest limits are to be
18 in the Glennallen Subdistrict. Without any specifications
19 no mechanism exists for evaluating whether or not the
20 seasons and harvest limits are consistent with sound
21 measurable and sustainable biological principles.

22

23 Copper River/Prince William Sound Advisory
24 Committee opposed this for three basic reasons. The
25 existing season is conservation based. Ice and debris
26 floes, water levels and low fish abundance would likely
27 preclude meaningful participation and harvest outside the
28 existing season dates. Two, the current harvest limits
29 provide generously for subsistence needs. Three, they are
30 concerned about the implied abandonment of seasons and
31 harvest limits. These are essential primary management
32 tools. And that was the extent of their comment.

33

34 CHAIRMAN LOHSE: Thank you.

35

36 MS. WILKINSON: Uh-huh.

37

38 CHAIRMAN LOHSE: Okay. Chris Stark

39

40 MR. STARK: A couple of things on this one
41 I'd liked to address.

42

43 CHAIRMAN LOHSE: Chris, could say are you
44 representing yourself or.....

45

46 MR. STARK: Oh, I'm sorry. Chris Stark,
47 I'm with the Bering Sea Fishermens Association.

48

49 CHAIRMAN LOHSE: All right.

00146

1 MR. STARK: Bering Sea Fishermens
2 Association is who I'll represent today.

3

4 CHAIRMAN LOHSE: Okay.

5

6 MR. STARK: This speaks for my background
7 on the Copper River as a researcher through the University
8 of Alaska. The first thing on my list is if you were to
9 move the season forward you are directly going to be
10 impacting, what I heard earlier today was, diminished runs
11 on the upper part of the river. It's not just a
12 precaution, that's what will happen, is you'll -- start to
13 overharvest the fish that are already on the ropes.

14

15 A couple of clarification points on the steelhead.
16 I have seven years worth of steelhead information that I
17 personally did. In the Gulkana River, which are most of
18 the fish that would be impacted by this, the spawning
19 stocks don't break a hundred steelhead. So when you're
20 talking about loosing a couple of fish early in the season
21 and 30 in the end of the season, you're pushing half the
22 population. That wouldn't bode well down the road if we
23 have to put restrictions on to keep these fisheries from
24 going under or just the stocks themselves.

25

26 A couple of points on timing of the run of
27 steelhead. The down river fish after the spawning season
28 is over is June 15th, is when they leave the Gulkana, so
29 the live box restrictions, if it was going to facilitate
30 down river movement of steelhead would have to go much
31 longer. I wouldn't propose that, it's really hassle for
32 the people. Also during the late August and September
33 season about half, roughly, and it changes from year to
34 year, of the catch are steelhead when mixed with coho,
35 throwing out the red salmon component. So when a guy runs
36 a fishwheel in late September, mid-September, or dipnetters
37 even, there's a very high percentage there. So extending
38 the season is only going to make that situation worse.

39

40 CHAIRMAN LOHSE: Can I ask you a question?

41

42 MR. STARK: Go ahead.

43

44 CHAIRMAN LOHSE: If there's only a hundred
45 spawners in Gulkana and that makes up the majority of the
46 run?

47

48 MR. STARK: That's correct.

49

CHAIRMAN LOHSE: And there are very many

00147

1 other streams that take small amounts of.....

2

3 MR. STARK: There are, I believe, three
4 other known areas, Tom? Three other spawning areas for
5 steelhead in the Copper. There's the Hanagita, Long Lake --
6 oh, no, four, there's Klutina and Tazlina.

7

8 MR. TAUBE: Yeah.

9

10 MR. STARK: Yeah, there four other areas.

11

12 CHAIRMAN LOHSE: Four other areas.

13

14 MR. STARK: With unknown numbers. But
15 those fish -- anecdotal information, I should say, says
16 that they're about the same or smaller.

17

18 CHAIRMAN LOHSE: But the question I have is
19 if that's all that make it to the spawning grounds.....

20

21 MR. STARK: Yes.

22

23 CHAIRMAN LOHSE:and half the fish
24 after September, half the non-red catch, is steelhead
25 versus coho, then what is the estimated amount of steelhead
26 that's being caught?

27

28 MR. STARK: Well, there's very coho caught
29 as far as.....

30

31 CHAIRMAN LOHSE: Okay, there are very few
32 coho caught.

33

34 MR. STARK: Right.

35

36 CHAIRMAN LOHSE: Okay, that was my next
37 question.

38

39 MR. STARK: Tom could probably address the
40 actual numbers. And it changes with time, right? Some
41 seasons when the silver fishery isn't big in Cordova you
42 get more of one component or the other.

43

44 CHAIRMAN LOHSE: Okay. But the ones that
45 are making it up here are mixed about half and half?

46

47 MR. STARK: At times, yes. The test
48 fisheries have come up with those numbers. Test fishwheels
49 done in the early '80s and then more recently -- I think I

50 just hear Tom tell me that.

00148

1 CHAIRMAN LOHSE: Now, is that in the
2 Glennallen District or is that in the Chitina District?

3
4 MR. STARK: That was below the mouth --
5 there's one above the Tazlina, roughly those numbers came
6 back in the early '80s. Just below the mouth of the
7 Gulkana, same numbers, roughly.

8
9 CHAIRMAN LOHSE: Okay. So.....

10
11 MR. STARK: I think there was one down the
12 Klutina as well.

13
14 CHAIRMAN LOHSE: So that's after the whole
15 Chitina River drainage is out of it?

16
17 MR. STARK: (No audible responses)

18
19 CHAIRMAN LOHSE: Okay. So does the Chitina
20 River drainage have a bigger silver and bigger coho
21 component than the upper part?

22
23 MR. STARK: I don't know.

24
25 CHAIRMAN LOHSE: I mean bigger coho, bigger
26 steelhead?

27
28 MR. STARK: I don't know that. I do know
29 that recent surveys have found very, very few in the
30 Hanagita and/or Long Lake area, but I wouldn't put a lot of
31 money on those studies at this point in time, it's early.

32
33 CHAIRMAN LOHSE: Okay. It almost sounds
34 like there's not enough cohos to have a fishery out there,
35 if half of them are rainbows.

36
37 MR. STARK: It depends on where they're
38 going, yeah.

39
40 CHAIRMAN LOHSE: Yeah.

41
42 MR. STARK: These are fishwheels above, you
43 know, a lot of places like Chitina area.

44
45 CHAIRMAN LOHSE: Okay, these are fish above
46 the Chitina where a lot of cohos turn off?

47
48 MR. STARK: Correct. The Chitina component
49 might be quite a bit bigger.

00149

1 CHAIRMAN LOHSE: Yeah. Because I know
2 quite a number of places.....

3

4 MR. STARK: Sure, oh, yeah.

5

6 CHAIRMAN LOHSE:I know a number of
7 places in the Chitina Valley that have fairly decent coho
8 runs.

9

10 MR. STARK: That's correct and I wouldn't
11 argue against that at all.

12

13 CHAIRMAN LOHSE: Okay. Any other questions
14 for Chris?

15

16 (No audible responses)

17

18 CHAIRMAN LOHSE: But basically you concur
19 that the live box probably wouldn't have much impact unless
20 it was either extended longer or done in the fall season?

21

22 MR. STARK: Yeah, you'd have to put it in
23 the fall, I suppose, yeah. I would have to agree with
24 that, yeah.

25

26 CHAIRMAN LOHSE: Yeah.

27

28 MR. STARK: It's not a bad idea, but if
29 you're dealing with small numbers everyone counts is what
30 I'm getting at.

31

32 CHAIRMAN LOHSE: Yeah. Thank you.

33

34 MR. STARK: Uh-huh.

35

36 CHAIRMAN LOHSE: Donald Johns.

37

38 MR. D. JOHNS: Could I go after CRNA,
39 please?

40

41 CHAIRMAN LOHSE: Sure, I'll move you.
42 Gloria.

43

44 MS. STICKWAN: We are proposing to have an
45 open season for fishwheel as well as dipnet. We believe an
46 open season would be customary and traditional in nature.
47 We've always fished in the early spring to the late fall,
48 as early as May 1st, as well as to October for silver and
49 steelhead, for the month of October. One of the ways we

50 use the fish in the late fall months is to put grass in the

00150

1 mouth and hang it like that whole and let it dry and use it
2 for winter use.

3

4 We don't support having a live box for prior to
5 June 1, we think that, you know, there wouldn't be that
6 many people using steelhead or getting steelhead or rainbow
7 trout. Right now the way -- most people don't usually fish
8 for rainbow trout but, you know, some do. So there
9 wouldn't be that much of an impact on these, I don't think.

10

11 And then it would also be another regulation in
12 place that subsistence users would have to comply with, you
13 know, we'd have to be down at our fishwheel. I don't
14 really understand what a live box is. I have a question
15 about that, I don't know how a live box works, but I guess
16 it gets rid of fish that you don't want. To me, the way I
17 understand what a live box is, they'd have to be down there
18 taking out steelhead, they'd have to be taking out rainbow
19 trout, they'd have to be down there 24 hours a day from May
20 until October watching their fishwheel around the clock,
21 that's not customary and traditional and it's not practical
22 for people to do that. So we really disapprove of live
23 boxes.

24

25 And subsistence users in our area, it's like
26 approximately three percent, you know, it's not like we
27 catch a lot of fish, commercial fishermen catch the
28 majority of the fish. We don't believe that we will
29 adversely impact the population.

30

31 So those would be our statement.

32

33 CHAIRMAN LOHSE: Okay. Any questions for
34 Gloria?

35

36 (No audible responses)

37

38 CHAIRMAN LOHSE: Gloria, I think the
39 staff's proposal was not for live boxes all season, it's
40 just for the early part. When I worked for Fish and Game
41 I.....

42

43 MS. STICKWAN: But they would still have to
44 be down there during that time 24 hours a day and it would
45 still be a hardship on people.

46

47 CHAIRMAN LOHSE: Yeah. I think if you
48 don't have very many fish coming through, the live box
49 keeps them alive for -- you don't have to be there all the

50 time, you know, because you can come every 10-12 hours and

00151

1 if you're not catching many fish, they'll stay alive in the
2 live box because the current -- the water is going through
3 it, you know.

4

5 MS. STICKWAN: Well, then you would have to
6 teach the subsistence users how to build a live box, we
7 don't even know what it is or to even build one, we've
8 never seen one. That would be something we'd have to learn
9 how to do.

10

11 CHAIRMAN LOHSE: Right. So basically
12 you're against live boxes. Can I ask you a question? In
13 your knowledge, how early do red salmon come up the river?

14

15 MS. STICKWAN: How early?

16

17 CHAIRMAN LOHSE: How early.

18

19 MS. STICKWAN: I've never really gotten
20 from studies interviewing elders. I think it depends on
21 where the fish camps traditionally were. I think towards
22 Chitina they were closer to the river, whereas people in
23 the Crossman Lake were further away from the river, so they
24 had to travel -- walk on foot starting after snow, probably
25 May 1st they'd start traveling back to the river. Whereas
26 Chitina people were closer to the Copper River, so they
27 could fish earlier. And there's information, I think, up
28 at Ahtna and they have restrictions on the material, it's
29 hard to use their material. I've heard that the early part
30 of May.

31

32 CHAIRMAN LOHSE: The early part of May.

33

34 MS. STICKWAN: Uh-huh, that's what I've
35 gotten so far, but I could be wrong.

36

37 CHAIRMAN LOHSE: Uh-huh. So not much
38 earlier than May though?

39

40 MS. STICKWAN: I don't really know because
41 -- I think there's document -- there's interviews that were
42 done with elders that need to be -- those materials need to
43 be listened to and we need to get additional information on
44 that, too. As far as I've heard it, like, May 1st people
45 have because -- from our area that I've heard about.

46

47 CHAIRMAN LOHSE: So you fell like this
48 would probably extend the season about a month?

49

MS. STICKWAN: I would say from May 1st

00152

1 until October, and there wouldn't be that many people
2 fishing from the early to the late.

3

4 CHAIRMAN LOHSE: When does the ice normally
5 go out?

6

7 MS. STICKWAN: There's still ice in May,
8 but there's not that much, you know, it's not like there's
9 a lot of -- you can still a little bit of ice floating down
10 the river, but it's.....

11

12 CHAIRMAN LOHSE: But you could operate a
13 wheel then?

14

15 MS. STICKWAN: Uh-huh. (Affirmative)

16

17 CHAIRMAN LOHSE: Okay. Does anybody else
18 have any questions for Gloria?

19

20 (No audible responses)

21

22 CHAIRMAN LOHSE: Thank you. Now, Don.

23

24 MR. D. JOHNS: Do I have to state my name
25 again? No?

26

27 CHAIRMAN LOHSE: He's got it.

28

29 MR. D. JOHNS: Anyway, why I want to be on
30 each one of them from CRNA is so I can -- just to support
31 them. To be on record.

32

33 CHAIRMAN LOHSE: You're supporting -- going
34 on the record and supporting what CRNA said?

35

36 MR. D. JOHNS: Right, uh-huh.

37

38 CHAIRMAN LOHSE: Right.

39

40 MR. D. JOHNS: Right. I have no -- I don't
41 see no reason why they cannot have an open season, you
42 know, because I grew up on fish along the Copper River, you
43 know, and before the law came in and changed everything
44 around they used to fish from early May until October and
45 the important time. The fish would be, you know, early
46 before the flies come in and you get too hot, you know, and
47 it's better to dry them and whatever, you know, that way,
48 so it's a lot better in that sense.

49

And another reason would be to get the silver

00153

1 salmon in the falltime and we don't see silver until after
2 September. So I think -- and I don't see no Dolly Varden
3 in fishwheels, I don't see any other fish, only
4 occasionally see grayling and on occasion see eel, but
5 that's it.

6

7 Thank you.

8

9 CHAIRMAN LOHSE: No sturgeon or whitefish
10 or anything like that?

11

12 MR. D. JOHNS: No, I've never seen any of
13 that.

14

15 CHAIRMAN LOHSE: Okay. Thank you, Don. Is
16 Faye still here?

17

18 MS. F. EWAN: No, she left.

19

20 CHAIRMAN LOHSE: Faye left.

21

22 (Laughter)

23

24 MS. F. EWAN: Hi, my name is Faye Ewan, I'm
25 from the Native Village of Kluti Kaah, I come from the
26 Caribou Clan and I serve on the following committees. I'm
27 on the Subsistence Committee for village council. I'm here
28 to give public testimony on Proposal 16, season and harvest
29 limits for Glennallen Subdistrict. I support this
30 proposal. We have fished in the Copper River for thousands
31 of years, we have never heard that the salmon in the Copper
32 River were depleted or used up. We only took what we
33 needed for our families. Today we still respect these
34 values passed down to us.

35

36 We should have an open house [sic] in the
37 Glennallen Subdistrict, we start fishing in the month of
38 May until October because of the laws that were imposed
39 against us. We used to fish from the middle of May month
40 so that we could begin to harvest fish when the weather was
41 cooler and it was better to dry fish in. The cool month of
42 May helped to keep the flies from the fish. The fish that
43 we caught in October were used for winter food. We hung
44 this fish whole and put grass in its mouth and used for
45 over the winter months. And this is the silver steelhead.

46

47 I don't think that many people would keep a
48 fishwheel in late October, only a few people would fish
49 this late in the year. Also I think a few people who live

50 in the Ahtna region would put in a fishwheel in early May

00154

1 and I think the people from the urban areas wouldn't fish
2 early in May or late October.

3

4 And I know that in our tradition, too, that if we
5 kill steelhead that the fish would never return back to our
6 live box again, and that is one thing that we were always
7 told to never club a steelhead or a silver fish, since we
8 were little we were taught, it's part of tradition. And i
9 believe the environmental season has changed, has a big
10 impact on the salmon, that we know -- I know that the fish
11 is going up the middle of May because we have seasons that
12 show us -- when we hear the first thunder in the springtime
13 we know the fish hit the river. And even the biologists
14 don't even know that, but we had our elders teach us these
15 things and we know, you know, how the weather changes how
16 it affects the animals and the fish and stuff like that.

17

18 I know that I put silver salmon away for the elders
19 myself because it's sacred food to the elders. And very
20 seldom that we would get any of it because we only get a
21 limited amount of it, so most of the elders get that and
22 that's very sacred to us.

23

24 Thank you. Chin'ina (ph).

25

26 CHAIRMAN LOHSE: And, Sue. No comment?

27

28 MS. ASPELUND: (Shake her head in the
29 negative).

30

31 CHAIRMAN LOHSE: Okay. With that, that
32 concludes our public comments. A motion to accept this
33 proposal either as written or as modified is in order so
34 that we can put it on the table for discussion.

35

36 MR. ELVSAAS: Do you want a motion now?

37

38 CHAIRMAN LOHSE: We have to have a motion
39 if we're going to discuss it.

40

41 MR. ELVSAAS: I would move the adoption of
42 Proposal 16 as recommended by the staff.

43

44 CHAIRMAN LOHSE: Do I hear a second?

45

46 MR. ELVSAAS: I don't hear none.

47

48 MR. F. JOHN: I'll second.

49

CHAIRMAN LOHSE: Seconded by Fred John.

00155

1 Moved and seconded to accept the proposal as modified by
2 staff. Discussion? Gilbert, I'll put you on the spot,
3 first.

4

5 MR. DEMENTI: Okay. This is opened only
6 from May 15th to September 30, is that it?

7

8 CHAIRMAN LOHSE: Uh-huh, yes, that's as
9 it's modified.

10

11 MR. DEMENTI: That modification with -- it
12 says with the live box. I don't know about the live box, I
13 never -- unless Jerry knows how to build it.

14

15 (Laughter)

16

17 MR. BERG: I was hoping you might teach me,
18 Gilbert.

19

20 MR. DEMENTI: I never seen a live box
21 before, so I don't know about the live box. Can you
22 explain anything about the live box?

23

24 MR. BERG: Yeah, it's basically a box that
25 would be attached to the fishwheel and, you know, most of
26 the live box would be submerged under the water level so
27 that when the fish came over it -- it's just like the
28 existing box you have on your fishwheel, except it's
29 submerged under water so when the fish come off they go
30 down into the box that's submerged under water so that
31 they're alive rather than being dumped into the box
32 and.....

33

34 MR. DEMENTI: It might be a hardship on
35 some people because there's some drifts coming down some of
36 those rivers, it'll knock the live box right out of there.

37

38 MR. BERG: Uh-huh. Yeah, I realize it
39 certainly would be a hardship on people and it's certainly
40 something to be considered as to -- you know, it's a risk
41 to the population, but it's also a hardship that we're
42 asking to impose on the subsistence users as well. I guess
43 I'm just making -- you know, from the biological
44 perspective it certainly could impact that fishery. We
45 just don't know enough about that population to take any
46 further risks at this time, but I realize that it certainly
47 would pose a restriction on subsistence users and it's not
48 an easy restriction, I recognize that.

49

00156

1 MR. ELVSAAS: Well, on this live box
2 concept, it says -- and it's only for two weeks. Of
3 course, that could be a long time if its damaged, but it
4 says equip your fishwheel with a live box or monitor it and
5 I would think if I had a fishwheel and the live box is
6 damaged I'd be there monitoring it pretty fast. So, you
7 know, it is something that's different, I guess, but on the
8 other hand, you know -- personally I don't see that it's
9 necessary, but that is the recommendation and so I thought
10 it best to go with it.

11

12 CHAIRMAN LOHSE: All recommendations can be
13 amended.

14

15 MR. ELVSAAS: Well, step up to the plate,
16 boys.

17

18 CHAIRMAN LOHSE: I had a question for you,
19 Jerry, now I forgot it. You know, my problem with it is
20 basically I hate to put something into regulation that's
21 going to end up making people do something illegal if it's
22 not necessary purely out of either ignorance or out of the
23 fact -- and I don't mean that as a bad term, but just not
24 understanding it or as a fact that it's basically not what
25 they would do. And then we just heard Faye say, and I
26 understand that, but more than likely a steelhead or a
27 rainbow is going to end up going to an elder, it's not
28 going get put back in the water anyhow.

29

30 MR. BERG: Yeah.

31

32 CHAIRMAN LOHSE: So to tack something like
33 that on to it, is it's going to make some people violate --
34 you know, we're going to put a law in place that ends up --
35 people are going to end up violating it, either
36 unintentionally or intentionally for probably not much
37 increase biologically. That's kind of my feeling on it.

38

39 MR. BERG: Uh-huh.

40

41 CHAIRMAN LOHSE: I saw Gloria have her hand
42 up before. Gloria, would you like to share something with
43 us on this right now?

44

45 MS. STICKWAN: Yeah.

46

47 CHAIRMAN LOHSE: Stay for just a second,
48 just in case we got something more to ask you, Jerry.

49

Come on up, Gloria.

00157

1 MS. STICKWAN: In the past when we've had
2 uncertainties of what to do in terms of proposals, we've
3 said to monitor the proposal and see how it works out.
4 That would be my suggestion is to monitor this and see what
5 kind of impact the subsistence users would have on the
6 steelhead or the rainbow trout or whatever and not have
7 that live box in there. I know the people of Copper River
8 aren't going to comply with this, I can tell you that right
9 now, they're not going to. They don't know how to build a
10 live box, for one thing.

11

12 CHAIRMAN LOHSE: Thank you, Gloria.

13

14 Jerry, since there will probably be a very small
15 amount of people taking part of this in a very small area,
16 I mean there are not a lot of sites that are opened, you
17 know, for good fishwheel placement at that time of the
18 year. Do you think it would have the possibility to be
19 monitored fairly well or is that another thing with the
20 budget constraints and everything that probably wouldn't
21 get done?

22

23 MR. BERG: You mean monitored as far as
24 enforcement? Or monitored as.....

25

26 CHAIRMAN LOHSE: Mostly monitored as far as
27 collecting information.

28

29 MR. BERG: I think -- there certainly is a
30 proposal to monitor some of the fisheries in the Copper
31 River area, I think Park Service has a proposal to do some
32 more monitoring and then, of course, we -- Fish and Game
33 also heavily relies on reporting on the permit and trying
34 to get, you know, as close to the dates of harvest as they
35 can, try to encourage people to report what their harvest
36 is on the dates and that's really what we rely on. So I
37 don't know if there's going to be, you know, a large
38 increase in monitoring, but certainly it is going to be an
39 issue and hopefully we can get out and try to do more
40 monitoring, especially if this proposal does go through for
41 this extra 15 days. And I don't know maybe -- and that
42 would most likely fall to the Park Service since they're
43 located right here. I don't know if they want to come up
44 and comment on that, but I would suspect there would be
45 some increased monitoring, but we'd still rely more heavily
46 on the permit reports.

47

48 CHAIRMAN LOHSE: I was just wondering if
49 possibly the people participating in it would be willing to

50 get reports in, you know, before the regular reports come

00158

1 due, so that you could keep track of it early, so we could
2 see how it was going, like have weekly reports or something
3 for that early part of the year.

4
5 MR. BERG: Uh-huh.

6
7 CHAIRMAN LOHSE: And I was going to ask
8 Gloria if she thought that for the time being, until we see
9 how the program works, if that would be acceptable.
10 Gloria, what would you think of that idea?

11
12 MR. BERG: I'd certainly be willing to come
13 up and monitor if you can talk my boss, Tom Boyd, into
14 letting me come out here in the springtime.

15
16 (Laughter)

17
18 MS. STICKWAN: I didn't hear what was being
19 said, someone was talking to me.

20
21 CHAIRMAN LOHSE: Gloria, what I was
22 wondering is, you know, you said something about monitoring
23 it closely and I was wondering if what could do for the
24 first year or so while it's in place, to see how it works,
25 have like weekly reporting, just to keep track and see what
26 kind of impact it is having.

27
28 MS. STICKWAN: CRNA is doing -- proposing a
29 study with Fish and Game right now for non-salmon fisheries
30 in the Copper River, as a part of that proposal we could
31 include CRNA to monitor the.....

32
33 CHAIRMAN LOHSE: The early component?

34
35 MS. STICKWAN: Yeah, as part of that
36 proposal.

37
38 CHAIRMAN LOHSE: So that we could have
39 timely -- so all of a sudden if it looked like it was
40 really impacting the early fish we could, you know,
41 emergency order shut it down or something like that until --
42 you know, if it turns out to be bigger than we think, that
43 type of think.

44
45 MS. STICKWAN: I guess if there's a really
46 adverse -- if you think there's an adverse to the
47 population of.....

48
49 CHAIRMAN LOHSE: Well, I was thinking that

50 they were talking about some of the early runs being weak

00159

1 on the spawning grounds. If it turn -- you know, I'm like
2 you, I don't think there's going to be a lot of usage of
3 this early part, but if all of a sudden it becomes -- you
4 know, has a big impact on the fish, if you knew it early
5 enough you could curtail it so that it didn't do any long-
6 term damage. Do you think that would be possible?

7

8 MS. STICKWAN: Yeah, I guess so, yeah, for
9 steelhead or what.....

10

11 CHAIRMAN LOHSE: Fred.

12

13 MS. STICKWAN: I feel uncomfortable without
14 talking to Ahtna people making a statement like this
15 because you're asking me and I haven't talked to them about
16 it.

17

18 CHAIRMAN LOHSE: Right. Okay. I didn't
19 mean to be putting you on the spot that way. I was just,
20 you know, thinking if that would be an idea because you
21 brought up the need for monitoring.

22

23 Fred.

24

25 MR. ELVSAAS: How often are the reports
26 made, at the end of the season or during the season?

27

28 MS. STICKWAN: How often are the reports
29 made?

30

31 MR. ELVSAAS: Yeah.

32

33 MS. STICKWAN: They give it back to Fish
34 and Game at the end of September, October.

35

36 MR. ELVSAAS: How often?

37

38 CHAIRMAN LOHSE: At the end of the year.

39

40 MR. ELVSAAS: At the end of the year.

41

42 CHAIRMAN LOHSE: Thank you. Did I see
43 another hand up back there?

44

45 MR. VEACH: Yeah. Ralph, if I could step
46 up just real quick.

47

48 CHAIRMAN LOHSE: State your name for the
49 record.

00160

1 MR. VEACH: My name is Eric Veach, I am a
2 fish biologist with Wrangell-St. Elias National Park. And
3 one of the proposals Jerry mentioned earlier we're working
4 on in cooperation with CRNA would be to actually hire CRNA
5 to operate a fishwheel outside of what has been the normal
6 season for the last few years and keep track of all the
7 species that are caught. And so certainly we'll have those
8 results on a weekly or even a shorter term basis than that,
9 but we can certainly share that information with whoever is
10 interested, including Gary Candlearia (ph), who's the in-
11 season manager right now for the Copper River basin.

12
13 CHAIRMAN LOHSE: So there's a proposal to
14 put something in place that would actually look at the
15 early and the late season?

16
17 MR. VEACH: Yeah. What we'd like to do is
18 we'll operate that fishwheel and in coordination with that
19 we'll also fly the Copper River and count the number of
20 fishwheels that are operating. And those results may not
21 be the best, but we'll try and extrapolate the results from
22 that one wheel to any other fishwheels that are operating
23 in the Copper River at that time.

24
25 CHAIRMAN LOHSE: Will that fishwheel be
26 equipped with a live box?

27
28 MS. VEACH: Well, Gloria and I haven't
29 talked about that yet. That's if Jerry will come out and
30 build it for us.

31
32 CHAIRMAN LOHSE: Okay. Just out of
33 curiosity in 1967 we operated four fishwheels on the Copper
34 River in conjunction with the Fish and Wildlife Service and
35 Fish and Game. We tagged 25,000 fish that summer, we lost
36 180 of them one night in the live box because it was
37 overcrowded and that is all the fish we lost in the live
38 boxes for the summer. So it can be done if you want to do
39 it, you know. We tagged them down at Haley Creek and
40 across the river and we correspondingly caught them up at
41 O'Brien Creek and over by Taral and then we extrapolated a
42 number out of that to find out what the size of the fish
43 run was. Ken Robinson has the data on that, it was done in
44 conjunction with Fish and Wildlife Service.

45
46 MR. VEACH: Uh-huh.

47
48 CHAIRMAN LOHSE: Okay. Any other questions
49 for Jerry? We can let him go if there are no more

50 questions for him?

00161

1 MS. F. EWAN: Jerry, is the live box in the
2 proposal by the staff, is it something, a new regulation or
3 new -- for the fishwheel or has it been going on for a
4 while? Because I don't know what a live box is to tell you
5 the truth.

6
7 MR. BERG: It certainly would be a new
8 regulation for the Copper River. There are certain other
9 fisheries around the state that require a live box in
10 certain conditions, when there's a need to release certain
11 fish and keep other fish, so there certainly is other areas
12 of the state that that's practiced in on a limited basis, I
13 would have to say. I would say it's probably used more for
14 biological information, such that Ralph was talking about,
15 we use that so we can capture fish and tag them or take
16 measurements and then let them go. But certainly there are
17 some subsistence fisheries, I think, on the Yukon River
18 where they -- if they have a certain run of fish that are
19 really low, such as this year they had a really low return
20 of fall chum, and then they had a high return of coho, they
21 wanted to be able to catch some fish and be able to retain
22 some and let others go. And that was one of the options
23 they could have gone with, they didn't go with that this
24 year, but they could have gone to a live box. They ended
25 up going with a different system. So there are some areas
26 in that state that this also does apply, but it's limited.

27
28 CHAIRMAN LOHSE: Tom.

29
30 MR. TAUBE: Actually the live box
31 requirement or attending the wheel at all time is right in
32 regulation for the Batzulnetas fishery and it's under the
33 Federal regulations and the State regulations. So the
34 wheel either has to be attended at all times or a live box
35 needs to be so that the chinook can be released.

36
37 MS. F. EWAN: What do you mean by attended,
38 24 hours a day? (Indiscernible - away from microphone)

39
40 MR. TAUBE: When the wheel is operating
41 someone has to be there.

42
43 CHAIRMAN LOHSE: Someone has to be there.
44 That's to release the fish immediately back to the water,
45 right?

46
47 MR. TAUBE: Yes.

48
49 CHAIRMAN LOHSE: Okay. No more questions

50 for Jerry?

00162

1 (No audible responses)

2

3 CHAIRMAN LOHSE: Okay. Council, we have a
4 motion on the floor, the motion can be amended or voted on
5 or whatever the wish of the Council is.

6

7 MR. F. JOHN: I really don't know about
8 live box.

9

10 CHAIRMAN LOHSE: Well, in this case the
11 live box is required for 15 days.

12

13 MR. F. JOHN: Or you go to jail?

14

15 MR. ELVSAAS: Didn't he just say that was
16 part of the regs anyway?

17

18 CHAIRMAN LOHSE: No, only in one other
19 fishery on the Copper River, up at Batzulnetas.

20

21 MR. ELVSAAS: Oh, okay.

22

23 CHAIRMAN LOHSE: Not on the rest of the
24 Copper.

25

26 MR. ELVSAAS: You're the local man, now,
27 give us some guidance here.

28

29 MR. F. JOHN: I really don't know nothing
30 about live box.

31

32 MR. CAIN: Mr. Chairman.

33

34 CHAIRMAN LOHSE: Bruce.

35

36 MR. CAIN: You know, putting live boxes on
37 for 15 days is -- you build your fishwheel, you've either
38 got a fishwheel that has a live box or it doesn't. And
39 it's a big deal to put together a long-raft fishwheel like
40 a lot of people do and you really can't put a live box on a
41 log-raft fishwheel, that I can think of. I would recommend
42 not requiring that live box requirement because not very
43 many wheels are going to be in the river anyway, I mean you
44 can't put your wheels in until the ice goes out. You can
45 have it opened year-round and people aren't going to put
46 their wheels in until the ice goes out, which is, you know,
47 going to be in May and then by the time they get down there
48 and build your wheel and get it going you'd be lucky to get
49 it in by June 1st anyway. Most people just aren't going to

50 do it. There's only one wheel on the river right now and

00163

1 the season is opened. So, you know, it's September 20th,
2 the season's opened right now, and we've got one wheel out
3 there.

4

5 CHAIRMAN LOHSE: No, we know of one wheel,
6 we don't know if there's only one.

7

8 MR. CAIN: Well, I think that most of them
9 are done, at least where I've been on the river. So your
10 live box requirement is not -- you're going to make
11 somebody change the way that they build their wheels and
12 run their wheels, you know, having it for 15 days is not
13 something -- you're not going to put a live box on it and
14 take a live box off, it's either going to be built before
15 you get it in and it's going to stay that way or it's not
16 going to be on there at all. And I worked on fishwheels
17 with Johnny Goodlataw and built them the old way and you're
18 not going to put a live box on those kind of fishwheels.

19

20 MR. M. EWAN: My name is Morris Ewan and I
21 speak in opposition to live box because of the short
22 season, you know. A lot of our people are working and we
23 have a limited time to cut fish. And if you got 80 salmon
24 there that you have to take out of the box and kill, takes
25 two minutes a piece to kill a fish, you're wasting that
26 much time right there. And another thing I think it's
27 cruelty to animals to do things like that, you get a stick
28 and clobber it like that to kill it.

29

30 Thank you.

31

32 CHAIRMAN LOHSE: Thank you, Morris.
33 Council, we have a motion on the floor.

34

35 MR. ELVSAAS: We have a motion, are we
36 going to take an amendment?

37

38 CHAIRMAN LOHSE: If we're going to get an
39 amendment somebody else has to put it in, I can't.

40

41 MR. ELVSAAS: I can't.

42

43 CHAIRMAN LOHSE: Oh, that's right, you made
44 the motion.

45

46 MR. ELVSAAS: I made the motion.

47

48 MR. F. JOHN: What was your motion.

49

00164

1 MR. ELVSAAS: My motion was to accept as
2 the staff's recommended, which includes it. An amendment
3 would be in order to delete C.

4
5 MR. F. JOHN: I second yours.

6
7 MR. ELVSAAS: No, no.

8
9 MR. F. JOHN: What's that?

10
11 MR. ELVSAAS: No, this is already made and
12 seconded here.

13
14 MR. F. JOHN: Oh, it's already second.

15
16 MR. ELVSAAS: Yeah. If we're going to
17 delete the live box, you have to make an amendment to
18 delete that from the motion.

19
20 CHAIRMAN LOHSE: Well, is anybody going to
21 make a motion to amend it or shall we call the question?

22
23 MR. F. JOHN: I make a motion to delete
24 that C, the live box.

25
26 CHAIRMAN LOHSE: And that is from May 15th
27 to May 31st you must equip your fishwheel with a live box
28 or monitor it at all times?

29
30 MR. F. JOHN: Yeah, because it's
31 inconsistent with customary and traditional practice.

32
33 CHAIRMAN LOHSE: Do I hear a second to the
34 amendment?

35
36 MR. ELVSAAS: Second.

37
38 CHAIRMAN LOHSE: It's been moved and
39 seconded to amend the motion. We now take the motion, as
40 modified, and in the Glennallen District, May 15th to
41 September 30th. The amendment is dropped from May 15th to
42 May 31st you must equip your fishwheel with a live box or
43 monitor it at all times and release rainbow, steelhead
44 trout to the water unharmed.

45
46 It's been moved and seconded, all in favor of the
47 amendment signify by saying aye.

48
49 IN UNISON: Aye.

00165

1 CHAIRMAN LOHSE: Opposed signify by saying
2 nay.

3
4 (No opposing responses)

5
6 CHAIRMAN LOHSE: The amendment carries.

7
8 Now we have an amended motion the floor and the
9 motion is in the Glennallen District you may take salmon in
10 the Upper Copper District only as follows:

11
12 In the Glennallen District, May 15th through
13 September 30th.

14
15 Any further discussion?

16
17 (No audible responses)

18
19 CHAIRMAN LOHSE: Hearing none, question's
20 in order.

21
22 MR. F. JOHN: Question.

23
24 MR. ELVSAAS: Question.

25
26 CHAIRMAN LOHSE: Question's been called.
27 All in favor signify by saying aye.

28
29 IN UNISON: Aye.

30
31 CHAIRMAN LOHSE: All opposed signify by
32 saying nay.

33
34 (No opposing responses)

35
36 CHAIRMAN LOHSE: Motion carries.

37
38 It's 5:30, the last day of moose hunting is running
39 out rapidly. I think we should adjourn until tomorrow
40 morning, if that's the wish of the rest of the Council.

41
42 MR. ELVSAAS: Recess.

43
44 MR. DEMENTI: Recess.

45
46 CHAIRMAN LOHSE: Recess until tomorrow
47 morning, not adjourn. Meeting starts at 8:30 tomorrow
48 morning and we'll you here.

49

00166

C E R T I F I C A T E

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UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Joseph P. Kolasinski, Notary Public in and for the
State of Alaska and Owner of Computer Matrix, do hereby
certify:

THAT the foregoing pages numbered 02 through 165 contain a
full, true and correct Transcript of the SOUTHCENTRAL FEDERAL
SUBSISTENCE REGIONAL ADVISORY COUNCIL MEETING, VOLUME I, taken
electronically by Joseph P. Kolasinski on the 20th day of
September 2000, beginning at the hour of 8:30 o'clock a.m. at
the Mentasta Village School, Mentasta Lake, Alaska;

THAT the transcript is a true and correct transcript
requested to be transcribed and thereafter transcribed by under
my direction and reduced to print to the best of our knowledge
and ability;

THAT I am not an employee, attorney, or party interested
in any way in this action.

DATED at Anchorage, Alaska, this 2nd day of October 2000.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 04/17/04